

# The November Coalition

Vol. 7 No. 2

## The Razor Wire

Autumn 2003  
Winter 2004

### Nonviolent Offender Relief Act introduced in House

**T**he Federal Prison Bureau Nonviolent Offender Relief Act of 2003, HR 3575, was introduced in the House of Representatives on November 21. Relief in the form of early release eligibility would come to prisoners at least 45 years of age who have served half their sentence, with no history of violence, or violations of institutional disciplinary regulations. (You will find the full bill text on page 6.)

The bill has been referred to the House Judiciary Committee where members will argue its merits, listen to varied testimony from pro and con voices, and undoubtedly modify its language. If HR 3575 becomes law as it's now written, its effects would be significant.

Had a parole bill been introduced before, or simultaneously, it would have made comment easier for anyone attempting it formally. Many November Coalition members don't expect HR 3575 to stand alone, or for very long. Thus, at this time of congressional interest, we encourage support for any bill offering relief to the imprisoned, assistance to former prisoners, and sentencing relief for 'future drug offenders.' There are bills in Congress in each broad category.

That said, our members should appreciate how relentless pressure over the years has pushed proposed bills for early release into Congressional hearing rooms in 2003-4. This progress is evidence of a new era of popular democracy.

**CONTINUED ON PAGE 7**



Rep. Sheila Jackson-Lee (D-TX)

*"My idea of an amendment dealing with 'good time' is to be able to give some relief to those nonviolent prisoners who are incarcerated. This issue is being discussed all over the country. Families are begging for us to address the question of mandatory sentencing. Our prison system is overcrowded."*

*"Mr. Chairman, at this time we are faced with a crisis. Our federal prison systems are severely overcrowded. We are running out of resources and facilities to house our prisoners. Mr. Chairman, at this time there are currently thousands of non-violent offenders, first time offenders, serving time in these federal prisons. Some of these prisoners are people who realistically pose no more of a risk to society than you or I. I firmly believe that some of these non-violent, in many cases first time offenders, should be given a second chance to prove themselves and become positive contributors to this great society of ours."*

*"My constituents happen to come from an inner-city district and are overloaded in the prisons. Many of them are there for nonviolent crimes. Many of their families are crying. Many of their families were willing to take them in, and also in many instances they have been rehabilitated and can be more contributing to society if they are released."*

*"The very fact they are being held in prison on a mandatory sentence, I think is a waste of resources. It is costing the United States of America millions of dollars."*

July 22, 2003—Rep. Sheila Jackson-Lee (D-TX), speaking to Congress during discussion of HR 1829, the Federal Prison Industries Competition in Contracting Act of 2003.

### The future of FPI

By CHUCK ARMSBURY, NOVEMBER COALITION

In April 2003 President George W. Bush visited the shop floor at the Boeing plant in St. Louis, Missouri. He flew there to thank workers who build F-18 Hornet fighter jets, and assure them of future employment even in these economic hard times. Notably, Bush's "Hardware in the Heartland" tour skipped a number of other war-production plants in the area that are located within federal prisons, wrote Ian Urbina, reporter for the *New York Times*, in an Internet article published in late-September 2003.

While Bush lavished praise and promise on Boeing workers who are nervous about further industry-layoffs, only 50 miles northeast in FCI Greenville, Illinois, prisoners in the enclosed Federal Prison Industry (FPI) plant were working without presidential praise, designated breaks or fear of layoffs. These captive workers produce about 1,000 desert-tan camouflage shirts per day. Almost 200,000 of these shirts were bought by the Department of Defense to be worn by infantry troops in the Middle East. At another FPI factory (or UNICOR plant, another acronym for the same bureaucracy) in Marion, Illinois, prisoners are busy "soldering millions of dollars worth of cables for the Pentagon's TOW and Patriot missiles."

As revealed, the Bush Administration's strategy is to capitalize on the US military's successful invasion of Iraq, but by reassuring nervous Boeing workers — while ignoring thousands of confined workers engaged in similar war production — Mr. Bush has raised eyebrows and varied questions from many quarters. Few observers, however, question that without a captive prison labor force, the military would be unable to meet its needs for everything from weaponry components and shirts to the 100% of battlefield headgear made at FCI Beaumont, Texas.

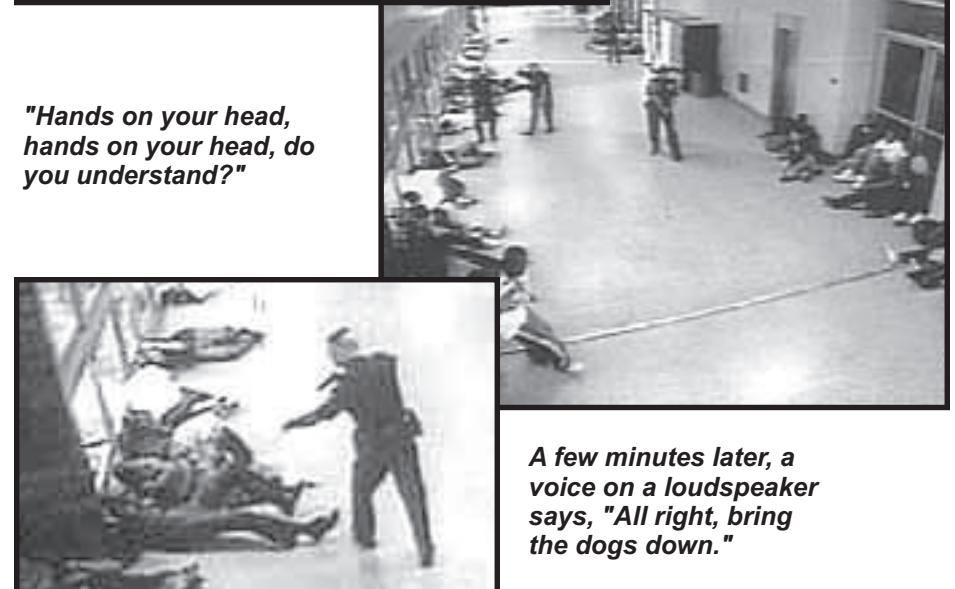
With more than 20,000 prisoners at work for FPI, in 2002 the government's thirty-ninth largest supply-contractor sold \$678.7 million worth of goods and services to the US government. Over \$400 million was purchased by the Department of Defense. From its founding in 1934, Federal Prison Industries has operated for war production primarily. According to Urbina, during the Korean War, 80% of FPI output went to defense. Maximum-security federal prisoners were producing cables for Polaris submarines at McNeil Island Penitentiary in Washington State during the Vietnam War.

**CONTINUED ON PAGE 7**



November 5th, 2003  
Time: 6:45 AM  
Stratford High School

*"Get on the ground! Get on the ground!" an officer yells as students fall to the floor.*



*"Hands on your head, hands on your head, do you understand?"*

*A few minutes later, a voice on a loudspeaker says, "All right, bring the dogs down."*

Transcripts obtained by the Charleston, SC Post and Courier newspaper through the Freedom of Information Act

### Incident at Goose Creek, SC

**F**allout continues over the raid at Stratford High School in Goose Creek, South Carolina on November 5. The raid — in which Goose Creek police stormed a school hallway with guns drawn as they ordered cowering students to the floor — showed officers cuffing those who complied too slowly, and caused a national furor as graphic videos from high school security cameras were shown repeatedly on national network television news programs.

No drugs were found during the raid, although the high school principal said he ordered the raid because of an unnamed informant's tip, and "increased drug activity" he thought he saw while peering through the school's more than 70 security cameras. The principal added that he did not know police would conduct the raid with guns drawn. During the raid, a police dog allegedly sniffed drug residue on 12 book bags but found no drugs. No one was arrested.

Speaking to *The New York Times*, De'Nea Dykes, an African-American 11th-grader, said she was leaving the restroom when she saw officers coming down the hall with guns drawn.

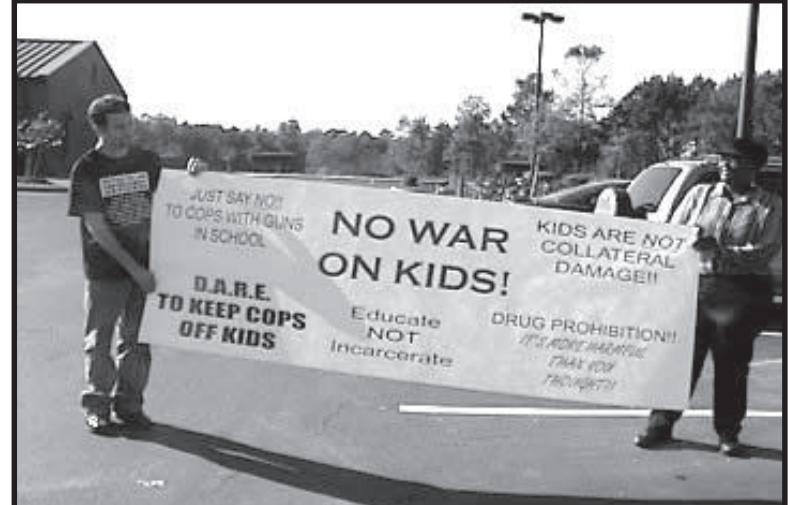
"I assumed that they were trying to protect us, that it was like Columbine, that somebody got in the school that was crazy or dangerous," she said. "But then a police officer pointed a gun at me. It was really scary."

Jessica Chinnens, a white 10th-grader, told the *Times* that when she saw which students were being searched, her first thought was that the police were racist.

"I looked down the hall and saw the police lining up all the black students," Ms. Chinnens said.

The raid and subsequent uproar have caused rifts in Goose Creek, largely along racial lines. Although Stratford High School is predominantly white, the students assaulted by police during the raid were predominantly black. The South Carolina NAACP and the ACLU's Drug Policy Litigation Project have both conducted meetings with aggrieved parents (mostly black) who say black students were targeted in the raid. As the community polarizes, some white parents and faculty members have lined up in support of Principal George McCrackin and the Goose Creek police.

**CONTINUED ON PAGE 9**



SSDP's Dan Goldman and a Stratford High parent

# A MESSAGE FROM THE DIRECTOR



**By Nora Callahan, November Coalition**

## Whim and caprice of men, or rule of law?

*"The awful instruments of the criminal law cannot be entrusted to a single functionary."*

— U.S. Supreme Court in McNabb v. U.S., 318 U.S. 332 (1943)

**O**n quiet late nights, I'll delve into an old history book or current periodical. Looking at the past helps me understand the present. I'm struck by how often leaders demand, "You have to do it my way." Alice and Wonderland scenes come to mind.

"I'll do it my way." Alice says.

The Queen screams back, "Your way? All 'ways' are my ways!"

In September, U.S. Attorney General John Ashcroft ordered federal prosecutors to seek the toughest punishment for criminal defendants, and restricted the use of plea bargains to 'special situations'. Ashcroft also ordered prosecutors to report any federal judges using the legal provision for 'downward departures' allowed by Congress in 1994. In other words, "Your way? All 'ways' are my ways!"

"I saw the writing on the wall," said Kristine Wilkes, a US prosecutor in San Diego who resigned. "I felt like my discretion was being taken away," she told reporters.

Federal judges have bemoaned the loss of discretion for over two decades, and some quit when prosecutors got that 'lost discretion' via Congress in the mid 1980's. And like resigned prosecutors, they put the past of 'public service' behind them to go earn more money in private practice.

The writing on the wall brought an interesting prediction from the Heritage Foundation's Paul Rosenzweig. In November, he testified before the American Bar Association's Kennedy

Commission saying that the Ashcroft edict will force Congress to be accountable for sentencing laws, and blames Congress, not prosecutors or courts for problems that exist today. "The elected legislator, not the un-elected prosecutor, is ultimately the public's principal means of checking prosecutorial excess ... it is Congress, in the end, that defines what is a crime and how severely an offender must be treated."

I've studied these laws closely, for nigh on fifteen years now, my brother Gary Callahan having been indicted in 1989. And examining current world affairs keenly, you'd think that leaders and commentators alike think that this country is run on the edict of individuals — or single groups of individuals.

Our government was built to house a system of 'checks and balances' — hence both authority and blame need to get spread out. Our Constitutional Founders agreed on these principles, and they have been well defined and tested throughout the years. Together, these principles are called "The Rule of Law", and we go by these rules to prevent being ruled by the 'whim and caprice' of men (or women).

When we see ourselves ruled by whim and caprice, it's because our system of checks and balances got stuck, and started rolling backward. In ordinary life things can go to hell in a hand-basket in a hurry when major pieces of equipment don't work the way they are supposed to.

I ran across an old legal case last month when reading about prohibition era law and excess policing.

The 1943 McNabb case sheds light on dark corners of zealous law enforcement. It shares insight into respect for the 'rule of law' and provides much to ponder for judges, members of congress, and executive administrators today.

About 65 years ago, during the late 1930's in the Tennessee Mountains, the McNabb family was selling whiskey and avoiding taxes. People were in the grip of the Great Depression, and having a difficult time getting by. Federal prohibition enforcement agents became "revenue police" after alcohol prohibition ended in 1931. The McNabb case begins when agents set up a 'buy'

with informants. At the designated hour of night, in an Appalachian cemetery, came the 'bust.'

Today it is called a 'buy and bust,' a drug war tool used often, in every town and city across the country, and hardly a justice blinks an eye. In the early 1940's, when the Supreme Court reviewed the McNabb case and police procedure from start to finish, many tactics were seen as outside the bounds of "civilized standards". The justices, in addition to acknowledging that the defendants' most basic legal protections were violated, got the perception that the police were 'overzealous' throughout.

In the court's reversal of the McNabb's convictions the justices would say, "Zeal in tracking down crime is not in itself an assurance of soberness of judgment. Disinterestedness in law enforcement does not alone prevent disregard of cherished liberties. Experience has therefore counseled that safeguards must be provided against the dangers of the overzealous as well as the despotic."

The justices brought into question the 'civilized standards' of procedure and evidence saying, a "democratic society, in which respect for the dignity of all men is central, naturally guards against the misuse of the law enforcement process."

"The rule of law signifies the constraint of arbitrariness in the exercise of government power.... It means that the agencies of official coercion should, to the extent feasible, be guided by rules — that is, by openly acknowledged, relatively stable, and generally applicable statements . . . The evils to be retarded are caprice and whim, the misuse of government power for private ends, and the unacknowledged reliance on illegitimate criteria of selection. The goals to be advanced are regularity and evenhandedness in the administration of justice and accountability in the use of government." — John Calvin Jeffries, Jr., *Legality, Vagueness and the Construction of Penal Statutes*, 71 Va. L. Rev. 189, 212 (1985).

In short, legal procedures involving defendants from arrest to the court, and into the prison — all legal process, from lawmaker to law enforcement — must follow procedures that ensure checks and balances at every step, not only to guard against injustice — *but because this defines justice!*

Civilized people are to conduct themselves in a civilized manner. Otherwise — we aren't civil anymore. That is what the McNabb case tells me, the layperson. And more.

Congress is charged with writing laws reflecting the will of the people they represent. The executive branch administers enforcement of those laws. Justices make up the courts, where interpretation of law, fairness and constitutionality are determined, and also, formulation and review of administration of federal law. Good laws should not need a lot of force — to enforce.

Thus, when we see a lot of force, too many zealous enforcers, we need to look at the policies behind the enforcement. Did this happen in a recent ruling?

A December 2003 Supreme Court decision regarding domestic policing insists that a person can reach the front door in 20 seconds. And if you can't make it from your bed, to housecoat, to front and back doors in 20 seconds, then fully armed police can barrel them down with blessings of US high counsel. How often is the raid based on informants' unreliable information? You have 20 seconds to defend that.

The recent school raid in South Carolina suggests that the "dignity of all men" is no longer "central" if it's about drugs. On the whim and caprice of one leader, a high-school principal this

instance, a police force with loaded and pointed guns rushed into the hallways full of kids. Terrifying! You can view photos of it on the front page.

When Ashcroft can order a judge 'reported' if he follows the intent of Congress — the principles of checks and balances fall off the scales of justice.

*"The complicated process of criminal justice is therefore divided into different parts, responsibility for which is separately vested in the various participants upon whom the criminal law relies for its vindication."*

The young McNabbs, decades ago, were taken from their homes in the night to federal police interrogations, not booked by a local agency, not able to have counsel of friends, family or attorneys. Local involvement is supposed to be part of the checks in the system. Sixty-five years later, once-separate law enforcement agencies work hand in glove. State, federal and city police create 'task forces' — not balance. Interrogations of defendants by these merged agencies are routine today.

People suffer under police agency mergers, and thus endure the whim and caprice of enforcement administrators from "Top Cops" to high school principals. To lose these vital checks and balances is to disrespect hard-won progress made in our 200-year-old experiment fighting for, and building, a system of justice — evidence of a healthy democracy.

What is there about our criminal justice system that would point to a healthy democracy?

Caprice and whim, whether by devilish design or baseless change of mind, have no place in the criminal justice system — which is why *the instruments of criminal law cannot be entrusted to a single functionary*. Furthermore, police aren't supposed to choose one law to get excited about over another. When we see this in a policy, it is a policy that has lost its balance. Balance in government is a most fundamental value, because whim and caprice are the hallmarks of dictators and undemocratic regimes.

One more time: **The goals to be advanced are regularity and evenhandedness in the administration of justice.** This isn't happening today. Two million prisoners and the countless millions who love them are undeniable proof of this.

History teaches that in times such as these the people harmed most become part of the force that pushes into motion the rusty mechanism of checks and balances. Public outcry is the final check on a system that has lost its balance, and replaces dignity lost when injustice is crushing. That is why rule of law includes our right to speak out individually, and together let our voices be heard by fellow citizens and leaders alike. I highly recommend it. Join our organization and begin to work by learning to write and talk to others.

The easiest way to make our voices and opinions known to lawmakers, judges, and enforcement officials is a good old-fashioned written and stamped letter a postman can deliver. And when they hear from you, remember to include your address and phone number. Your lawmaker and some public officials will add you to notification lists. This helps you build a relationship with your leader, know what they are up to, and how they think about issues you care about.

Remember, where the buck starts and stops in the US of A is really a series of checkpoints along the way. Below is contact information of some of those checkpoints. Please share your views and circumstances with them in the coming days — if we don't, who will? Remind them of cherished principles, and tell them about the drug law and sentencing reform you want.

Love and in struggle,

Find your elected officials at [www.vote-smart.org](http://www.vote-smart.org)

Your Representative  
U.S. House of Representatives  
Washington, DC 20515  
202-224-3121

Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-5225

Your Senator(s)  
U.S. Senate  
Washington, D.C. 20510  
(202) 224-3121

U.S. Sentencing Commission  
One Columbus Circle, NE  
Washington, DC, 20002-8002  
202-502-4500

House Judiciary Committee  
2138 Rayburn HOB  
Washington, DC 20515  
202-225-3951

The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500  
202-456-1414

## In fond memory of Mark Harrison

**W**hile a lot of folks were hanging out in 'hip' places in the early 1970's, Mark Harrison was a friend of the Amish and pastor of a small church in Alaska. He built a log cabin in the wilderness, and began to raise a family.

Later he would publish a small magazine in Northern California with his soulmate Tina Cummings, and memory of rural life would tug at him often enough to push them our way. Mark chose Colville, Washington, sight unseen, because there were no freeways and lots of mountains from the look of the map he spread out in front of him one day.

Another magazine, *The North Colombia Monthly*, was founded by Mark and Tina, operated for five years until the couple sold it and began devoting more time to the November Coalition and other pursuits in life.

In northeastern Washington, Mark Harrison's regular column in the *Monthly, News Not Fit to Print*, was progressive social commentary that made him a local icon. Nora certainly thought so when she met him, and easily persuaded him to write about drug war injustice.

He began with us as a volunteer in 1997, writing for his magazine and letting us reprint his articles. He'd take bundles of our newspapers and deliver them to public places in three counties and Canada. By 1999, Mark wrote prisoners' profiles, dug into some investigative assignments, and contributed to nearly every issue of *The Razor Wire*.

Mark's final project for us, *Stamp Out Ignorance with November Coalition's Letter Writing Guide*, is featured on page 15.

Mark was a dear and peaceful man, our Coalition 'Pastor,' and we cherish our memories of time spent with him. He passed on from this life on Friday, December 5<sup>th</sup>, 2003, and will be missed by all of us.

Remembrances and condolences may be sent in care of Tina Cummings, 1496-P Highway 20 East, Colville, WA 99114.



1952 — 2003

Wed, 19 Feb 2003 - Savannah Morning News (GA)

by Jane Fishman

## Speaker: War on Drugs is a hoax

As a group, they had about as much in common as any assemblage of people waiting in line at the grocery store.

They included an attorney-turned-psychologist, a car painter and a Chatham County commissioner.

Instead of heading home from work on a damp and rainy Monday night, this disparate group turned into the lovely campus of Savannah State University, some for the first time, to hear a woman they never heard of speak about the government's failed war on drugs. Nora Callahan, whose brother is serving 27 years for conspiracy to sell drugs, is a crusader. She calls the federal government's war on drugs a hoax "and a war on ordinary people."

She offers surveys from judges who say they hate the drug laws, statistics about the overwhelming number of black men in prison, examples of 'asset forfeiture', in which homes and properties are seized without due process, and states, like Michigan, that have started releasing first-offender, non-violent prisoners to save money and free up space in the prisons.

"Meanwhile," she said, "kids are imprisoned for an ounce of marijuana while the rest of us can't turn on television without hearing about the latest prescription drugs like Prozac or the way our pilots in Afghanistan are offered 'uppers' to stay alert. Do you want to tell me the difference?"

"The drug panic started in 1985," she said, "when the cheapest thing to do was to up the penalties. Well, it's not working. We have just as many drugs on the street if not more. And we have people who won't call for an ambulance if someone is overdosing because they're afraid they'll be implicated and be held responsible."

Traveling around the country with her husband in an RV, this grassroots organizer, who formed the nonprofit group, The November Coalition appears before Congress, publishes a monthly publication, *The Razor Wire*, and tries to coalesce community groups.

Mark Beberman was among the first of the 35 people in the audience. He's a mental health counselor and program coordinator for the Chatham County Drug Court. Beberman started off as a defense attorney — mainly for the indigent — but when he kept seeing the same people in court, again and again, he switched gears and got a Masters in psychology from Georgia Southern University.

"People who don't understand addiction see it as a weakness, not a disease," he said. "They regard people like me as being soft on crime when that's not the case at all."

The car painter, who didn't want to give his name, came from another perspective.

"The first week of my son's senior year, his school had a drug and weapons search and the drug dogs, who the principal said smelled a marijuana stem and a few seeds, went to his truck," he said.

"When they found a box cutter in his tool box they came to his classroom, threw him down on the ground, put him in handcuffs and hauled him off to jail."

"At first they told us he was at the youth detention center but when my wife, who had to leave work, got there we found out they decided to try him as an adult and he was at the Chatham County jail. He was 16. He tested clean for drugs and no one ever did show me the marijuana seeds they said were in the truck."

"The box cutter was there because when he gets out of school he comes and works at the car dealership where I work. He's a car porter. It's his job to cut open all the boxes that come in here, hub caps, floor mats, cup holders, and to assemble the cars. Then he cuts the boxes and puts them in the dumpster to be recycled."

On the advice of a lawyer, he pleaded guilty and his son was put on probation, because "If he had been found guilty, which he was because he did have the box cutter, he could have been sent to prison for two years," his father said.

Frozen out of public school in Chatham County and three credits short of graduating, the boy passed the GED and is now a junior at Armstrong Atlantic State University. Probation costs his parents \$110 a month, plus \$2,500 in fines and attorney fees.

The last person to raise his hand and speak was Chatham County Commissioner Joe Murray Rivers.

"I'm here because I'm angry at zealous prosecutors and the warehousing of black youth," he said. "I have a son who is doing 10 years. I don't condone that he was doing drugs, but I don't think his sentence was just, either."

"When I visit him I see how many young people are being stuck away and not restored. Where he is in Jesup, he's lucky enough to be connected to Ogeechee Tech. So far, he's gotten his GED and taken courses in carpentry and electrical."

"I know plenty of people in prison and just as many who come out with no skills," he said. "That is not what we need."

## Working with interns

BY TINA CUMMINGS, NOVEMBER COALITION

**I**t was a positive experience for me to work with high school interns in the November Coalition's home office. Danica Parkin worked part-time from September 2002 through March 2003, and Marty Lombardi was with us throughout 2001. Both were very dependable office assistants with genuine interest in ending drug war injustice.

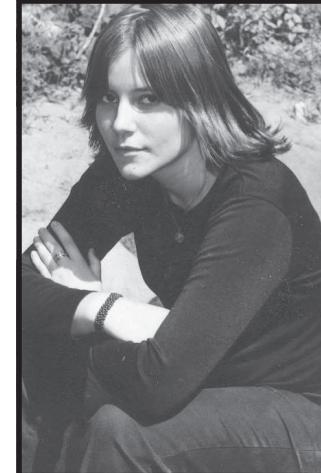
It warms my heart to know young, bright people willing to spend their time committed to a 'cause.' Because of the stigma associated with prison and drug use caused by years of misinformation, I'm convinced it can be very instructive for any older adult to meet young people who think for themselves, despite the official lies they've been told.

Much credit goes to the parents of these children who have allowed and cultivated independent thought in their homes. Without hesitation, the parents of these two young interns approved of their children's internship with November Coalition.

I say 'children,' but we've really been working with young adults who heartily immersed themselves in an experience of grassroots activism absolutely indispensable to building an America that is a safer and saner place to live.

Anyone who finds the opportunity to work with young interns in the reform movement should do so. It's more than a cliché to say we need young minds and energy as much as we do the seasoned wisdom of the hoary-headed activist.

(Editor: Tina was a well-organized office manager and proofreader, handling difficult phone calls about Coalition activities with cheerful professionalism — not an easy outlook to maintain through the many months that her longtime mate, Mark Harrison, underwent cancer treatment. Thank you, Tina, for your excellent work in resistance to drug war injustice.)



Danica Parkin



Marty Lombardi



Tina Cummings

## The November Coalition

795 South Cedar • Colville, WA 99114

Voice & Fax: (509) 684-1550

E-mail: [moreinfo@november.org](mailto:moreinfo@november.org)

Web: [www.November.org](http://www.November.org) • [www.OpenTheCan.org](http://www.OpenTheCan.org)

[www.JourneyForJustice.org](http://www.JourneyForJustice.org)

Staff: Nora Callahan, Chuck Armsbury, Tom Murlowski

*Working to end drug war injustice, the November Coalition is a non-profit grassroots organization founded in 1997. Members educate the public about destructive, unnecessary incarceration due to the U.S. drug war. We rely on support from people like you - please join and donate today.*

*Membership: \$6/year for prisoners; \$25 regular; \$15 students.*

To join The November Coalition and receive a subscription to this newspaper, see membership form below.

If you own or operate a retail store, contact our office for information about bulk distribution.

TNC is a 501(c)(3) non-profit organization. Your gift or donation is tax deductible.

ANNUAL MEMBERSHIP INCLUDES A SUBSCRIPTION TO THE RAZOR WIRE NEWSPAPER AND OTHER PUBLICATIONS

### My Contact Information (non-prisoner):

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip +4 \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**Annual Dues: \$25 / Students: \$15 / Prisoners: \$6**

I don't know a prisoner, but I will sponsor one.  
I have enclosed an additional \$6.00

You may select a monthly/quarterly donation amount  
if you cannot afford to send the entire annual fee: \_\_\_\_\$5 \_\_\_\_\$10 \_\_\_\_\$15

**Total Enclosed: \$\_\_\_\_\_**

[www.november.org](http://www.november.org)

## Working to end drug war injustice Count Me In!

### Do you have a loved one in prison?

- I want to sponsor my imprisoned loved one's membership and have enclosed an additional \$6.00.  
 I am a prisoner. I have enclosed at least \$6.00 or made arrangements for payment.

Name \_\_\_\_\_

Registration Number \_\_\_\_\_

Prison \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip +4 \_\_\_\_\_

**795 South Cedar • Colville, WA 99114**

**Voice & Fax: (509) 684-1550 • Web: [www.november.org](http://www.november.org)**

The November Coalition Foundation is a 501(c)(3) non-profit organization; your donations are tax deductible.

# How to deal effectively with indifferent, hostile, or otherwise difficult federal prosecutors

By HON. CARL HORN, III, CHIEF US MAGISTRATE JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

In the "better-old-days," the primary concern of a criminal defense attorney at sentencing was the predilection of the judge. Assuming the judge was more-or-less neutral, he or she considered advocacy from both sides, then exercised discretion to fashion a fair and appropriate sentence. The best judges were not shallow tormentors with "black robe fever," but those who were humbled by the weighty responsibility of wisely balancing society's legitimate demand for justice and punishment with a proper measure of mercy and compassion.

While we should avoid idealizing the way things "used to be," it is an objective fact that since 1987 most sentencing discretion in federal cases has been either taken away entirely or transferred to the prosecutor. In my view, as a former prosecutor and close observer of the federal criminal process, this transfer of sentencing power has yielded regrettable results.

## Power corrupts

As Lord Acton observed over a century ago, "power tends to corrupt."<sup>1</sup> In the current era of mandatory minimum sentences, this axiom is proving itself true in US Attorneys' offices across the country. Exercising discretion formerly reserved to the judiciary, many federal prosecutors have become arrogant bullies, cavalierly deciding whether to allow a defendant to cooperate, retaining sole discretion to decide whether any cooperation was substantial, and if so, how much of a downward departure to recommend to the court.

Of course, there are many hard-working, conscientious Assistant US Attorneys who care not about convictions and the longest possible sentence, but instead about a fair, just, and proportionate result. But even AUSAs with a passion for fairness and balance — a decreasing minority of all AUSAs, I am afraid — can only do so much to facilitate a just result under the current system.

## No check or balance

The heavy-handed exercise of prosecutorial power begins with charging decisions. In our district, for example, I not infrequently preside over initial appearances in which a defendant who has served little or no active time for past convictions now faces mandatory life, or a defendant without a history of violence is charged with multiple firearms offenses carrying consecutive sentences of 50 or more years. Most of these defendants qualify for court-appointed counsel, indicating to the neutral observer that they are not "kingpins" or even modestly successful criminals.

Assuming the government moves for detention, which is the rule rather than the exception in broad categories of cases, the prosecutor has another early opportunity to show a federal defendant "who's boss." Although I have had AUSAs in my courtroom state on the record that the government has no interest in a defendant's cooperation "if he is released," the message is usually more subtle. Either way, a defendant who may be able to overcome the statutory presumption and win release is faced with a Hobbesian choice: press the point and alienate the individual holding the keys to any possibility of a downward departure; or consent to detention, plead guilty, be debriefed, and hope the prosecutor will agree to release at some point in the future.

Even when a defendant is allowed to cooperate, is debriefed, and becomes a "maybe" for a motion for downward departure under Sentencing Guidelines Section 5K.1, there are many opportunities for the arrogant exercise — a.k.a. abuse — of prosecutorial power. Agents are "not available" for continued debriefing, as assumed or promised. If a defendant is still in custody, the AUSA "isn't ready yet" to recommend release. Telephone calls from equally busy or perhaps even busier defense counsel are not returned by AUSAs or agents. Threats are impliedly, and sometimes explicitly made, that the filing of certain motions — from motions for bond review to suppression motions — may jeopardize a 5K motion or reduce the recommended departure. And through it all, rather than being humbled by the vast, godlike power they are exercising, an attitude of condescending superiority is pervasively projected.

## The results

Prosecutors cannot be blamed, of course, for the bipartisan decisions of Congress to standardize federal sentencing in 1987<sup>2</sup> or to establish and later increase mandatory minimums (up to and including mandatory life) for various crimes.<sup>3</sup> However, the manner in which a federal prosecutor's vast power is exercised — like the judge's exercise of sentencing discretion in yesteryear — has become the last, best hope in this fundamentally flawed system.

And so far, as we are concluding the second decade of this bold experiment, the results are not encouraging. According to the Justice Policy Institute, these results include a current jail and prison population of over two million. This means that the United States, with less than five percent of the world's population, now incarcerates over twenty-five percent of the world's prisoners.

It may be helpful to put these figures in historical perspective. In 1970, our jail and prison population was less than 10 percent of what it is today; that is, there were less than 200,000 prisoners. Does any neutral observer really believe an increase in crime

— or any other objective factor — justifies an incarceration rate 30 times what it was for the five decades before 1970? Can any neutral observer articulate a just basis for sentencing low-level drug user/distributors, who would have formerly received a sentence measured in months or even probation, to minimum sentences of 20 or more years?

AS LORD ACTON OBSERVED OVER A CENTURY AGO, "POWER TENDS TO CORRUPT". IN THE CURRENT ERA OF MANDATORY MINIMUM SENTENCES, THIS AXIOM IS PROVING ITSELF TRUE IN US ATTORNEYS' OFFICES ACROSS THE COUNTRY.

It is these facts and figures which come to my mind when I hear politicians of both parties trumpeting "tough on crime" increases in the already oppressive mandatory minimum sentences. And with these facts and figures come images of the faces and voices of young men and women who stupidly and irresponsibly got mixed up with drugs or other indicia of "crummy living," and those of their heartbroken mothers and fathers and children. What they have done is wrong and self-destructive to be sure, but I also find the glee with which many 30-something AUSAs send them off to decades in prison to be profoundly offensive.

Those with any doubt about the wisdom deficit in our current criminal justice policy should take time to read *Crime: When They Get Out*, by Sasha Abramsky (*The Atlantic Monthly*, June 1999). Quite apart from the justice of disproportionate sentences for ever-increasing numbers, Abramsky draws an alarming picture of how unprepared society is to re-absorb — during the following ten years — "somewhere around 3.5 million first-time releases." Because, after all, unless they die in prison, even their oppressively long prison sentences will eventually come to an end.

What Abramsky poignantly establishes is that the release of millions of long-term prisoners, with poor employment prospects and a great deal of built-up anger and frustration, is upon us — and, more to the point, that there has been almost no preparation for it. He cites the work of William Sabol of the Urban Institute, who has studied the likely effects of release of substantial numbers of long-term prisoners in 90 metropolitan areas in the United States. The bottom line: Sabol and an increasing number of other experts see a prescription for what Abramsky calls "violent chaos" just around the corner, especially in already marginal metropolitan areas.

This is undeniably a grim picture. Do those who enthusiastically push mandatory minimum sentences and other laws contributing to the burgeoning US prison population ever consider these consequences? If these consequences are brought to the forefront of the public conversation, will the bipartisan enthusiasm for longer and longer sentences begin to erode? In any event, these are figures and questions to keep in mind as we turn our attention to constructive strategies and potential solutions.

## What can we do?

Return sentencing discretion to the judiciary. The "big picture" solution to the current imbalance is to change the law, that is, to return sentencing discretion to the judiciary where it has properly resided since before Blackstone wrote his *Commentaries on the Laws of England*. Given the large number of federal defendants currently serving grossly disproportionate — that is, unjust — sentences, the judiciary should also be given discretion to consider and reduce these sentences on a case-by-case basis. In the meantime, however, there are constructive steps that should be taken both to minimize unjust results under the current system and to work toward this more promising macrosolution.

## Relationship with AUSAs

Except for the most egregious abusers of power, most AUSAs would prefer to have good relations with the defense bar. Therefore, even where communications have "gone south" in the past, defense attorneys should make an effort to start fresh with each new case.

Striving for a good professional relationship with the prosecutor — consciously lowering the emotional "decibel level," and resisting the temptation to demonize the AUSA "just doing her job" — will generally be in a client's best interest. On the other hand, as noted infra, there will also be points where turning the other cheek compromises a client's best interest, which is never proper.

## Understand the management of your US Attorney's office

As if an increasing number of harsh and rigid federal prosecutors were not enough, the US Department of Justice is apparently now encouraging US Attorneys to micromanage their line attorneys. This is certainly true in our district, where experienced AUSAs have been stripped of most of their authority to negotiate a reasonable plea. If this is true in your district, getting upset with the individual prosecutor — the bearer of bad news — makes about as much sense, and is likely to have about

as much effect, as yelling at government bureaucrats about the policies and procedures they are required to implement. In fact, the dirty little secret is that many AUSAs are unhappy with the oppressive and heavy-handed positions taken by their US Attorneys and supervisors and, for the first time in many years, are keeping their eyes open for other employment.

The bottom line: the next time you are tempted to chew out an AUSA for being unreasonable, determine first whether he or she retains any discretion to be reasonable. If not, you may discover empathetic common ground that: (a) surprises you; (b) builds or re-builds a good working relationship; and (c) ultimately produces more favorable results for your clients.

## Communicate with the court

In the better-old-days when judges had sentencing discretion, many judges regarded the prosecutor as occupying the moral high ground or, as it was sometimes put, as "wearing the white hat." This is less and less true. Most federal judges dislike the Sentencing Guidelines and mandatory minimums they are required mindlessly to impose, and many judges are increasingly irritated by the harsh and inflexible positions taken by the US Attorneys' offices in their districts. Knowing this, the defense bar should establish and maintain open communications with the court, keeping potentially sympathetic judges apprised of policies and conduct they believe to be unbalanced, unfair, or otherwise unreasonable.<sup>4</sup>

## Improve communications with probation office

Many defense attorneys give inadequate attention to their communications with pre-trial and presentence officers in their respective probation offices. As with the court, there was a day in which the "government version" was presumed by federal probation officers to be adoptable with little or no modification; increasingly, this is no longer the case. Since it is much easier to defend findings and recommendations than it is to object and challenge them — whether regarding pretrial release or the ultimate sentence — it only makes sense to have as much influence as possible in their formulation. (Probation officers to whom I have spoken unanimously affirm that they would welcome increased and improved communications with the defense bar.)

A caveat, however: You will reduce your credibility, and perhaps even hurt your client, if you engage in too much advocacy in communications with probation officers. Instead, be careful to communicate only: (a) what you in good faith believe to be verifiably true; and (b) challenges to the government version or positions which you in good faith believe to be inaccurate or unverifiable.

## Report the worst abusers

Even when prosecutorial excesses do not constitute sanctionable ethical violations — which should always be reported — there are occasions when particular actions (or omissions) are so patently heavy-handed or otherwise "unfair" that they should also be reported. In deciding to whom prosecutorial excess or misconduct should be reported, consider one or more of the following:

- The court (either to the chief district judge or, if arising in a particular case, to the district judge to whom that case is assigned)<sup>5</sup>;
- The US Attorney, unless, or course, he or she is complicit in the offending conduct or policy;
- The state and/or local bar, making sure facts and concerns are adequately described and documented, and sent to the correct office or committee for consideration;
- Office of Professional Responsibility; U.S. Department of Justice, 950 Pennsylvania Ave., NW, Room 3335, Washington DC 20530, (202) 514-3365.

## Try more cases

Assuming yours is a triable case<sup>6</sup>, AUSAs who take harsh, rigid, or otherwise unreasonable positions during plea negotiations should be rewarded by having to try more cases. This has already occurred in our district, and the results have been

interesting: marginally longer sentences in some but not all cases that are tried (due primarily to the loss of reductions for acceptance of responsibility) — but also more acquittals than ever before. In one recent case, when a judge granted the defendant's Rule 29 motion for judgment of acquittal at the close of the government's evidence, the jury spontaneously stood up and applauded.

## Strength in information and numbers

If there is a local association of criminal defense attorneys, join and support it. If there are enough federal practitioners to support it, form a federal practice group. One important function of such an association (or section) is to collect information, that is, to keep a record of how your US Attorney's Office and individual AUSAs have performed in the past. Copies of formal and informal reports of misconduct should be maintained in a central location, and regularly provided to the court, the state and/or local bar, the Justice Department's Office of Professional Responsibility and, of course, to members of the association.

**CONTINUED ON NEXT PAGE**

**Spread the word**

While judges and an increasing number of lawyers realize we have a serious imbalance in our federal criminal system, most of the public still does not. In fact, the most often recurring comment I hear from friends or those who learn what I do for a living is some version of "Lock 'em up and throw away the key." Without putting the speaker down, my usual response begins something like, "You know, after over 15 years as a prosecutor and judge, I don't feel that way at all." Many constructive conversations have followed.

Take every opportunity to "spread the word." In addition to one-on-one communications, consider writing an opinion piece for your local paper or for your state and/or local bar publications. Write succinct letters to the editor that tell, as Paul Harvey would say, "the rest of the story" when related news is reported or opinion expressed. Accept, or even seek, opportunities to speak to civic, church, and other local clubs and groups. Appear on local television programs when invited. Little by little we must spread the word to the thinking and voting public — who, incidentally, also serve on our juries — if meaningful reform is to be achieved.

**Educate, support — and, where necessary, recruit — political leadership**

Because the long-term solution will require significant legislation, it is important to develop and cultivate good relations with senators and members of Congress, particularly those on key committees. Eschewing unnecessarily divisive rhetoric, political leaders must be convinced that the current system is fundamentally flawed, and ultimately persuaded that fairness in federal sentencing is a cause whose time has come.

**Footnotes**

1. This often-misquoted observation was penned in an April 5, 1887 letter from John Emerich Edward Dalberg-Acton, commonly known as Lord Acton, to Bishop Mandell Creighton. The full sentence read, "Power tends to corrupt and absolute power corrupts absolutely."

2. The US Sentencing Guidelines were made applicable to offenses committed after November 1, 1987.

3. The adoption of the US Sentencing Guidelines and various statutes carrying mandatory minimum sentences cannot be fairly attributed to either major political party, or accurately characterized as having predominantly "conservative" or "liberal" philosophical roots. To the contrary, the Guidelines and current mandatory minimums were adopted with strong bipartisan support, and have since been touted as proof they were "tough on crime" by both Republican and Democratic administrations.

4. Defense counsel must be careful to avoid prohibited ex parte communications with the court on pending cases, of course. However, there would appear to be no arguable ethical violation in a host of creative ways which might be chosen to "educate" local judges, including: sending copies of articles or reports; inviting judges to hear speakers or to participate in seminars on point; arranging a general presentation of "concerns" by respected representatives of the defense bar; sending any written communication which is also copied to the prosecutor; and, of course, speaking candidly on the record at any stage of a proceeding.

5. See footnote 4. Indeed, the insecure feeling that he or she may be "in trouble" with the court can itself have salutary effects on an otherwise unbalanced and intransigent prosecutor.

6. Some federal cases are simply not triable and, indeed, it is harsh positions taken by US Attorney's Offices or individual AUSAs in these cases which can be most maddening. For example, where a defendant with prior drug convictions faces "mandatory life" and there is little doubt will be found guilty of being in the charged conspiracy — albeit in a much reduced role that is alleged by the government — a plea offer of 20 to 25 years almost always must be accepted, however harsh or unreasonable it seems.

Reprinted with permission from Judge Carl Horn and *The Champion*.

**About the author**

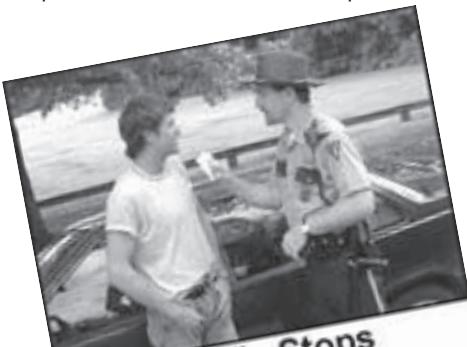
Carl Horn is Chief US Magistrate Judge for the Western District of North Carolina. A former Chief Assistant US Attorney (1987-93), he is the author of the *Fourth Circuit Criminal Handbook* and *Horn's Federal Criminal Jury Instructions for the Fourth Circuit*.

©The Champion; National Association of Criminal Defense Lawyers (March/April 2003 Vol. 21 No. 2).

**NOTE: COPIES OF THE ABOVE ARTICLE COULD PROVE USEFUL TO DEFENSE ATTORNEYS IN YOUR COMMUNITY — PASS IT ALONG.**

## BUSTED: The Citizen's Guide to Surviving Police Encounters

**F**eaturing narration by former ACLU Executive Director Ira Glasser and directed by award-winning filmmaker Roger Sorkin, *BUSTED* realistically demonstrates the pressure and confusion of an actual police encounter in a manner impossible to convey in print. This video includes live actors placed in realistic police encounters, which will enable the audience to empathize with an all-too-familiar predicament.



"Chronic disregard for civil rights is tearing apart the fabric of America. *Flex Your Rights* has hit the nail on the head in this hard-hitting instructional video." — Mike Gray, author of *Drug Crazy* and award-winning screenwriter of *The China Syndrome*



Available with a contribution of \$35 or more to:

### The Flex Your Rights Foundation

1623 Connecticut Ave. NW, 3rd Floor  
Washington, DC 20009  
Phone: 202-986-0861  
Fax: 202-293-8344  
Web: [www.flexyourrights.org](http://www.flexyourrights.org)



**"Protect your civil liberties during police encounters!"**

## Evidence of Failure

### A review of Charles Bowden's book, *Down By The River*

By DEITRA LIED, NOVEMBER COALITION, EL PASO, TEXAS

**M**any different worlds collide in the dusty, sprawling metropolis of El Paso/Juarez, igniting a culture of chaos. This conflagration is fueled to levels of heroic proportions by economic opportunity. The biggest opportunities arise from the official American goals of stopping the illegal drug trade, the so-called War on Drugs.

Profits previously unimaginable are within reach for the daring; profits in a black market created by drug prohibition laws. Consequently, 'greed' violently governs lives on both sides of the border with the protection, or camouflage, of law enforcement and government on both sides of the border. In *Down by the River*, Charles Bowden investigates and records for history a collage of bizarre events at the frontlines of a war that can never be won.

I'm from El Paso. I have encouraged people for many years to open their minds to the murderous results of this war on drugs — but with limited success and much frustration. Now others comment readily because this eye-popping book is available as credible social research. Charles Bowden has provided facts, names, dates, searchable footnotes, and irrefutable grounds to support what we already know and feel.

Most everyone around here remembers the story of the Jordan family, around whom the book centers. Many people agree with Phillip Jordan, the eldest brother of this local family, who believes his youngest brother Bruno was killed with an Uzi in a carjacking as a warning from the Juarez cartel to 'back off.'

Was this a nasty hint for Phil to drop his announced plans to increase DEA (Drug Enforcement Administration) success in his hometown? Anyone who has heard the story has an opinion similar to mine, and I feel it was a dire warning. His brother's murder occurred as Phillip Jordan was in the process of filling his promotion with the DEA to head the El Paso Intelligence Center, or EPIC.

Seeing in print the details of local daily newspaper stories supported with what I've only heard in whispers is at the same time affirming yet even more frightening. With so much documentation available to so many, why aren't we approaching these issues with more realism? Why are so many people paying so dearly with their lives or time in prison?

The borderland that surrounds the Rio Grande is like a test tube for corruption. What happens here can happen anywhere if left unchecked. We cannot continue on our current path and expect to achieve any success, nor can we abruptly legalize the most popular illegal drugs without major global repercussions. We need to see the truth and deal with it.

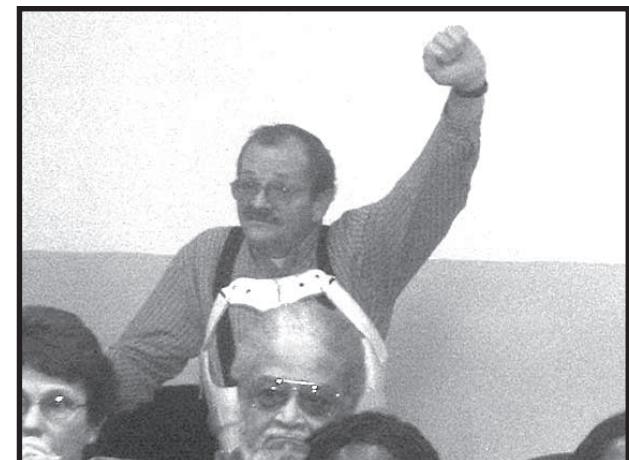
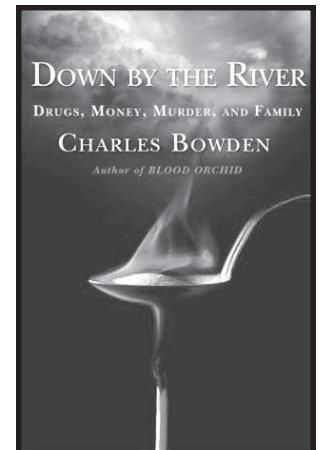
According to Bowden, pragmatic patriotism may be at the heart of many of the sophisticated and driven businessmen, *narcocorridos*, when they employ thousands and build roads, churches, schools and more. Ironically, here in the United States public funds continue to be routed away from education and public health and towards law enforcement and harsher punishments. Our leaders must be plagued with self-protective amnesia or hysterical blindness to allow a system of honor and integrity to be replaced with practices of conspiracy and deceit. The snitch culture of coercion and lies, undercover agents, and entrapment prevalent in our law enforcement and judicial system today is a far cry from "protect and serve" slogans of most police departments.

The drug economy has grown so powerful that human lives are often a business expense, where torture and murder are 'business tools.' The drug trafficking business represents 20% of the American economy and over 60% of the Mexican economy, tying the hands of presidents, law enforcement, and politicians to payoffs and bank transactions of unprecedented scale. Who can dispute that when an entire nation depends on a profitable enterprise, legal or not, there will be no real effort to curb it? In *Down by the River* Bowden introduces policy makers and US operatives who know and accept this reality. The balance of blood lost in this clash of public policy and real life is monumental.

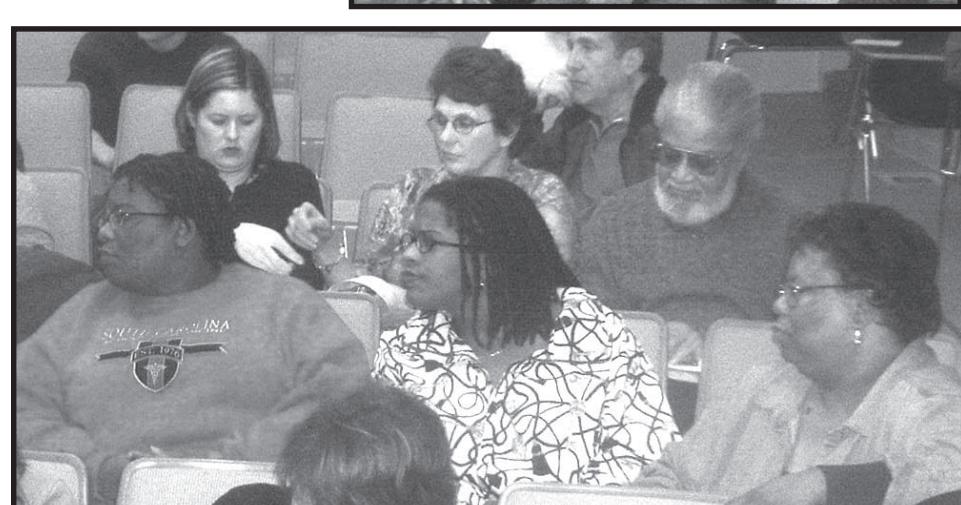
Relentlessly, Charles Bowden compels the reader to see the true colors of the growing economic force of a global black market. He took great personal risks to be involved within the shadowy collision of trafficking and enforcement groups. *Down by the River* is a documentary illuminating the bloody reality of a 30-year war, and a feat of unparalleled journalism.

*Down by the River* may be a difficult book to read for some, yet Bowden's unyielding prose hammers out new consciousness, making it difficult to put down. He captures the diversity of the Mexican/US borderland with all its contradictions and magic in lustrous vivid imagery. It is a complete exposé of government propaganda and its mystification of rampant mind-numbing corruption.

Telling the truth in a time of universal deceit is an act of revolution. Thank you, Charles Bowden.



Journey for Justice:  
Drug War Forum,  
College of Charleston,  
SC; Wednesday,  
February 19, 2003





# EYE on CONGRESS

## Proposed legislation would create U.S. Department of Peace

**P**residential candidate and member of Congress Dennis Kucinich (D-OH) has introduced HR 1673 in the House, a bill to establish a United States Department of Peace, and create the cabinet level position of Secretary of Peace. This bill would establish nonviolence as an organizing principle of American society, providing the President with an array of peace-building policy options for domestic and international use.

The Department would focus on nonmilitary peaceful conflict resolutions, prevent violence and promote justice and democratic principles to expand human rights. Domestically, the Department would be responsible for developing policies that address issues such as domestic violence, child abuse, mistreatment of the elderly, and other issues of cultural violence.

Internationally, the Department would gather research, analyze foreign policy and make recommendations to the President on how to address the root causes of war and intervene before violence begins while improving national security, including the protection of human rights and the prevention and de-escalation of unarmed and armed international conflict.

From the bill text:

Sec. 102, (b): Domestic Responsibilities — The Secretary shall . . .

(2) create new policies and incorporate existing programs that reduce drug and alcohol abuse;

(3) develop new policies and incorporate existing policies regarding crime, punishment, and rehabilitation.

To learn more about this legislation online, go to [www.dopcampaign.org](http://www.dopcampaign.org)

## Senator Kennedy's bill would eliminate drug felony financial aid ban

**S**enator Edward Kennedy (D-MA) has introduced a bill that contains a provision that would eliminate the federal student aid ban for individuals with drug convictions, reports the Legal Action Center. S 1793, the "College Quality, Affordability, and Diversity Improvement Act of 2003," coincides with Congressional action to reauthorize the Higher Education Act of 1998 (HEA) — the single largest source of student aid in the US — during the 108th Congress.

In 1998, the HEA was amended by Congress to delay or deny federal financial aid to students on the basis of any drug offense. Over 100,000 students have been penalized on account of this provision.

Following introduction, S 1793 was referred to the Senate Health, Education, Labor, and Pensions (HELP) Committee on October 28, where Senator Kennedy serves as the Ranking Member. Five other Democratic Senators who serve on the HELP committee cosponsored the bill.

## HR 3575: The Federal Prison Bureau Nonviolent Offender Relief Act of 2003

108th CONGRESS - 1st Session; IN THE HOUSE OF REPRESENTATIVES, November 21, 2003

Ms. JACKSON-LEE of Texas (for herself, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. CLAY, Mr. GRIJALVA, Mr. CUMMINGS, Mr. PAYNE, Ms. KILPATRICK, Mr. BALLANCE, Mr. OWENS, Mr. RUSH, Mr. DAVIS of Illinois, Mr. CONYERS, and Ms. WATSON) introduced the following bill; which was referred to the Committee on the Judiciary

### A BILL

To amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the 'Federal Prison Bureau Nonviolent Offender Relief Act of 2003'.

### SEC. 2. EARLY RELEASE FOR CERTAIN NONVIOLENT OFFENDERS.

(a) IN GENERAL- Section 3624 of title 18, United States Code, is amended--

(1) in subsection (a), by inserting 'at the early release date provided in subsection (g), if applicable, or otherwise' after 'A prisoner shall be released by the Bureau of Prisons'; and

(2) by adding at the end the following:

'(g) EARLY RELEASE FOR CERTAIN NONVIOLENT OFFENDERS- Notwithstanding any other provision of law, the Bureau of Prisons, pursuant to a good time policy, shall release from confinement a prisoner who has served one half or more of his term of imprisonment (including any consecutive term or terms of imprisonment) if that prisoner--

'(1) has attained the age of 45 years;

'(2) has never been convicted of a crime of violence; and

'(3) has not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.'

END

## DEA uses RAVE Act threats to block drug reform benefit

**A**n agent of the federal Drug Enforcement Administration (DEA) used threats of RAVE Act prosecutions to intimidate the owners of a Billings, Montana venue into canceling a combined benefit for the Montana chapter of the National Organization for the Reform of Marijuana Laws and Students for Sensible Drug Policy in late May.

The RAVE Act — now known officially as the Illicit Drug Anti-Proliferation Act and championed by Sen. Joe Biden (D-DE) — was ostensibly aimed at so-called 'raves.' These 'raves' are large electronic music concerts often accompanied by open drug use, but the legislation was so broadly written that opponents argued it could be applied against any event or venue where owners or organizers did not take sufficiently repressive steps to prevent drug use. Opposition to the bill stalled it in the Senate last year, but this year Biden stealthily inserted it into the enormously popular Amber Alert Bill, which passed last month and was signed into law by President Bush.

While the Billings event was advertised as a benefit concert for two local groups interested in drug law reform — not as a drug-taking orgy — it still attracted the attention of the DEA. On May 30, the day the event was set to take place, a Billings-based DEA agent showed up at the Eagle's Lodge, which had booked the concert. Waving a copy of the RAVE Act in one hand, the agent warned that the lodge could face a fine of \$250,000 if someone smoked a joint during the benefit, according to Eagle Lodge manager Kelly, who asked that her last name not be used.

"This confirms all our fears about the RAVE Act," said Bill Piper of the Drug Policy Alliance, which spearheaded opposition to the bill, succeeding in blocking it last year. "This isn't about drug parties or raves, it's about having a club to hold over people's heads, whether it's hemp festivals, circuit parties, dances, whatever. The RAVE Act is being used to suppress political speech. This is exactly what Sen. Biden said would not happen, and now it's happening," he told *The Drug War Chronicle*.

Source: *The Drug War Chronicle* - [www.stopthedrugwar.org](http://www.stopthedrugwar.org)

## Other legislative action

COMPILED BY FAMILIES AGAINST MANDATORY MINIMUMS (FAMM) — [WWW.FAMM.ORG](http://WWW.FAMM.ORG)

### HR 881 no federal sentencing solution

The so-called "Fairness in Sentencing Act" is anything but. Rep. Howard Coble (R-NC) wants to turn back the clock on important sentencing reform accomplished by the U.S. Sentencing Commission just last year.

In May 2002, the Commission sent the mitigating role cap amendment to Congress. The cap became law on November 1, 2002, and caps sentences for defendants who receive a minimal or minor role adjustment at level 30 (roughly 10 years). Those defendants not facing mandatory minimum sentences can see their sentences reduced significantly.

Rep. Coble's bill would undo that relief and once again guarantee a peripherally involved "mule" or "courier" a larger conspiracy charge and kingpin-size sentence, just because quantity, not role in the offense, drives sentencing. This bill has 20 co-sponsors and is currently in the Subcommittee on Crime, Terrorism, and Homeland Security.

### HR 2166, a bill to provide affordable housing to ex-offenders

A bipartisan bill aims to increase public safety by helping former prisoners find affordable housing. It is estimated that 630,000 prisoners were released in 2002 alone. Some two-thirds are rearrested within three years. Without a stable living environment, former prisoners are more likely to fall into trouble. This bill was introduced mid-May 2003 by Reps. Danny Davis (D-III.) and Mark Souder (R-IN), and will provide a tax credit for private developers to build 100,000 units of single room occupancy housing. The bill also provides for a structured post-release environment with education, skills training, and other assistance for two years.

### HR 1435: federal crack and powder cocaine sentencing reform

Rep. Charles Rangel (D-NY) on March 25 introduced legislation to eliminate the mandatory minimum penalties associated with crack cocaine. Rep. Rangel has championed the cause of lowering crack cocaine penalties for a number of years. His bill was referred to the House Subcommittee on Crime, Terrorism, and Homeland Security.

### S 390, The Safety Valve Fairness in Sentencing Act of 2003

Sen. Carl Levin (D-MI) has introduced legislation to make the "safety valve" retroactive. This effort has long been on FAMM's agenda as a necessary and just measure to bring older sentences in line with the safety valve reform, passed in 1994. That reform, which permits judges to sentence certain drug crime defendants below the mandatory minimum if they meet a set of criteria, applies only to defendants sentenced after its passage. This left hundreds of similarly situated defendants eligible for safety valve relief in every respect, but for the accident of timing, to remain in prison to serve out their pre-safety valve sentences.

## RELIEF Act . . . CONTINUED FROM PAGE 1

Please notice in the remarks made by Representative Sheila Jackson-Lee (D-TX) during discussions of HR 1829 (front page) how your anguished voices are heard and reflected. On behalf of non-violent prisoners, she argues for early release. Then comes the stand-alone HR 3575, sponsored by the same courageous woman.

Simply put, good ideas and good people have to do that — stand alone, for awhile. Past struggles involving underdogs have lone crusaders and singular sentiments that 'stand alone' at first. Most of the people who have commented to us about HR 3575 support the simplicity and practicality of a mathematical formula to relieve prison overcrowding by lowering the level of release-eligibility from 85% to 50%. Likewise, most who commented thus far are eager to have competing, comprehensive parole bills and alternative good time eligibility programs presented in Congress that will benefit younger prisoners and nonviolent drug lifers, too.

HR 3575, coupled with a follow-up parole bill soon would relieve psychological barriers to reviving parole. Hesitant legislators, fearing voters may think they're 'soft on crime,' might be persuaded to support release of prisoners who are less likely to re-offend.

Numerous studies in criminology suggest (in similar language) that people who commit crimes when younger usually lose interest in lawbreaking by middle age. Hence, HR 3575 relies on the age of 45 to base its claim for the safe release of prisoners that age and older. But, fewer people affected also may mean less grassroots' support for it likewise. Supporters of sentencing reform like the late Paul Simon, former Illinois senator and presidential candidate, urged groups like ours to support easy-to-understand incremental reforms for Congressional debate. We think he meant a bill that is not unlike HR 3575.

We are, unfortunately, forced to speculate and brainstorm together based on what we do know. It seems more likely that prisoners will be released by category, and after some tight

hurdles. Most of us have concluded that it will take sustained public scrutiny to replace drug war injustice with new systems of rehabilitation and release.

Politically involved volunteers can turn these paper-proposals into reality. HR 3575 deserves support for its promise to relieve prison overcrowding by a simple formula, and so do requests for complex, rehabilitative release plans to come that will benefit younger prisoners and nonviolent drug lifers, too.

We hope members will forward to our office copies of letters you write to leaders, including responses received.

The November Coalition, true to our grassroots legacy, has published proposed legislation that are not formal bills. These 'citizen bills' are often compelling ideas that we feel leaders might learn from. They are on our website and have been authored by prisoners. We continue to collect signatures from the public on the *Petition for Relief* that asks, in broad language, for a return to parole and/or increased good time eligibility in the federal system. A copy of that Petition has been inserted in this paper, and can also be found at [www.november.org](http://www.november.org).

The great experiment of mass policing and imprisonment for drugs appears to be gasping some last breaths, but there is still a gap between what should be, and what actually is, that gives a person that impression. When the gap gets wide, and wider yet — expect change. While more political leaders are prepared to ask for release, others are still asking for harsher sentencing. (See *Eye On Congress*, page 6) That is an unstable gap in leadership, and can signal a prairie fire of change.

Concerned after reading the simple text of HR 3575, one member asked, "Does this mean they'll make room for a bunch of 19 year olds that have been sentenced to 25 years?" A valid question to ask. Another was "how many people would be eligible for release?" That is a number that the Bureau of Prisons could be encouraged to expose.

Please communicate with your leaders in the House of Representatives, the House Judiciary Committee, and the U.S. Sentencing Commission, and ask your friends and family to do the same. Contact information can be found on page 2 of this publication. Tips on writing letters can be found on page 15.

**Question: How do we get the presidential candidates to condemn the injustice of the war on drugs and secure a commitment in their campaign 'platforms' that supports enforcement review, sentencing reform and release of drug war prisoners?**

Without substantial public support and outcry leading the way, few political candidates will take on an issue involving relief for prisoners as a moral imperative. Therefore, it's heartening early in the campaign to begin hearing open discussion of our concerns by two Democratic candidates, Rep. Dennis Kucinich and Gov. Howard Dean. Greens and Libertarians commonly support reform.

Republicans and Independents will address these issues if a popular candidate commits to genuine concern about our issues during campaigning. Then comes Party Conventions, and that is where platforms are honed and positions finalized. Let's plan now to see our issue of drug war injustice become prominent at upcoming Conventions.

To become involved in this important democratic process, visit the campaign offices of candidates today. Attend public meetings and share your concerns. You'll be proud to learn and participate in these important steps toward choosing our next President and other public officials.

Don't forget to take some copies of the *Petition for Relief from Drug War Injustice* to meetings you attend. Share copies, and collect signatures. A Petition has been inserted in this newspaper; you can also find copies at [www.november.org](http://www.november.org).

## Senate passes legislation to curb prisoner rape

The U.S. Senate has voted by unanimous consent to approve the first-ever federal legislation addressing sexual assault in detention facilities, the *Prison Rape Elimination Act of 2003* (S 1435).

"The passage of this bill by the Senate marks historic progress on the most neglected form of abuse in the nation," said Lara Stemple, executive director of Stop Prisoner Rape (SPR), a national human rights organization dedicated to ending sexual violence against men, women, and youth in detention.

"Rape behind bars is dehumanizing and sometimes deadly," Stemple said. "Victims have been left beaten and bloodied; they have suffered long-term psychological harm; they have been impregnated against their will, and they have contracted HIV. It's time to take this important step to address the problem."

One in five men in prison have been sexually abused, often by other prisoners. Rates for women, who are most likely to be abused by male staff, reach as high as one in four in some lockups.

"Unfortunately, in many prisons throughout the country sexual abuse continues virtually unchecked," said Stemple. "Too often, corrections officers turn a blind eye, or in the case of women inmates, actually perpetrate the abuse. We hope federal legislation will not only create incentives for states to take this problem seriously, but also give facilities the tools and information they need to prevent it."

The passage of the bill follows SPR's June 2003 event on Capitol Hill called *Stories of Survival: Recognizing Rape Behind Bars*. Linda Bruntmyer spoke at the event about the suicide of her son, Rodney, who hung himself at the age of 17 to escape repeated sexual assault in an adult prison.

For more information: Stop Prisoner Rape - [www.spr.org](http://www.spr.org). 6303 Wilshire Blvd, Suite 205, Los Angeles, CA 90048, Ph: 323-653-7867 Fx: 323-653-7870

*Ed. note: This is not a parody, this is verbatim from the UNICOR website page as of 2/25/03, from their Online Marketplace pages at: [www.unicor.gov/electbusgrp/elechelmet.htm](http://www.unicor.gov/electbusgrp/elechelmet.htm)*

## UNICOR Marketplace Military or Law Enforcement Recognition Award

Looking for the ideal retirement or going away plaque for your career Federal or DOD employee? Why not order a Trophy Helmet? The Trophy Helmet is a replica of the Kevlar Ballistic Helmet used by the U.S. Army and federal law enforcement. The Trophy Helmet comes finished in High Gloss Black or Flat Forest Green with a complete monogram on the helmet and the placard. We will attach any appropriately sized medallion to the helmet.

Part Number: TPL2525: Please specify: Color: Black or Forest Green; Mount: Table or wall mount; Embellishment: Medallion and Plate or Monogram information. Price: \$99.00 - TO ORDER: Call UNICOR Customer Service Center at (800) 827-3168



## FEDERAL PRISON INDUSTRIES . . . CONTINUED FROM PAGE 1

Successful use of captive labor does raise serious questions, and should. Concerns about security have been leveled against the use of prisoners to build sensitive, electronic equipment that affects the safety of US soldiers. Other voices ask whether the expanding use of confined labor has adverse affects more broadly, and the answer is a resounding YES from both left and right pundits.

On a larger scale, thousands of critics of the Iraq War are now studying parallels between the US government's FPI exploitation of confined labor and the massive enslavement of labor for war production by the early-1940's Nazi regime in Germany.

Over the last few years, new objections to FPI profiteering have come from the AFL-CIO, US Chamber of Commerce, and private furniture manufacturers, allied in opposition to the non-competitive policies that presently govern FPI contracts and sales. The main issue for these groups is how to reform FPI's monopolistic stranglehold on sales to other government agencies. Critics contend FPI abuses its sole-source provider (of products and services) duty for these agencies, and does so to the general detriment of taxpayers and private industry.



Rep. Pete Hoekstra

Within the last year public hearings in Congress have disclosed financial problems at FPI. Rep. Peter Hoekstra (R-MI), Rep. Sheila Jackson-Lee (D-TX) and numerous congressional allies have compelled FPI executives to explain loss of sales and to lay off personnel. Furthermore, the bureaucracy's executive leadership admits that FPI cannot continue to build prison factories at the pace the Bureau of Prisons desires, 16 new prisons in next five years.

Does this feel like a 'watershed' moment? Where do we go from here? What is to be done? Write your leaders!

New legislation addressing FPI's mission and general policies has passed the House of Representatives. On November 6, 2003 the House approved HR 1829, a bipartisan-supported measure with promise for the betterment of captive labor, including job training, general education, wage rates and job placement.

No one doubts there's political tightrope walking to be done as this Act now awaits Senate action. There are complicated private and public interests to sort out. Add in the many prisoners who eagerly want those UNICOR jobs for the 'good pay' offered. Yet, we're still a nation in which thousands of drug convictions and lengthy, mandatory sentences have produced this captive worker's pool with little incentive to improve self and work for an early release that can't be earned under current law.

Furthermore, what can be the meaning of 'rehabilitation' when the prison job being done has little or no useful

transferability to the outside community's employment market? Or if FPI subverts and thwarts the skills prisoners may develop in FPI plants, as observed by publisher Tom Adkins of *CommonConservative.com* in October 2002.

Adkins wrote that "inmate Steve Moore committed himself to rehabilitation, becoming a model FPI grad. After his 1988 release, he started Moore Superior Services, specializing in solving UNICOR's unending installation problems." Moore's business boomed for 10 years until his contracts with FPI were

**"FEDERAL PRISON INDUSTRIES IS NOW FOCUSED ON MAKING MONEY AND ANNUALLY EXPANDING ITS FEDERAL CONTRACT SALES," HOEKSTRA SAID. "MY BILL WILL REFOCUS THEM ON INMATE REHABILITATION. NO LINKAGE EXISTS BETWEEN THE BENEFITS OF INMATE WORK AND FPI'S CORROSIVE MANDATORY SOURCE STATUS."**

taken over by FPI itself. Moore said, "UNICOR could have used me to show other inmates that working for them is worthwhile, and that you can prosper on the outside. Instead, UNICOR took the business I developed, and destroyed it."

Moore's loss defies common reasoning. Most prisoners' families on the outside definitely want their captive loved ones to come home healthy, with new skills and education to demonstrate rehabilitation. In short, better people with prospects for an honest income if possible, and even appreciative of the community they call 'home.'

It's not 'news' that prisons are overcrowded, or that prisoner labor is exploited for profit. Yet, something 'new' is appearing from this 'old' argument over captive labor in the words of Reps. Hoekstra and Jackson-Lee standing up and calling for new thinking about early release.

HR 1829's supporters say the bill encourages the use of eligible federal prisoners to perform public service projects, especially with not-for-profit organizations. The bill increases access to the types of remedial and modern hands-on vocational education that studies have consistently shown to better reduce recidivism.

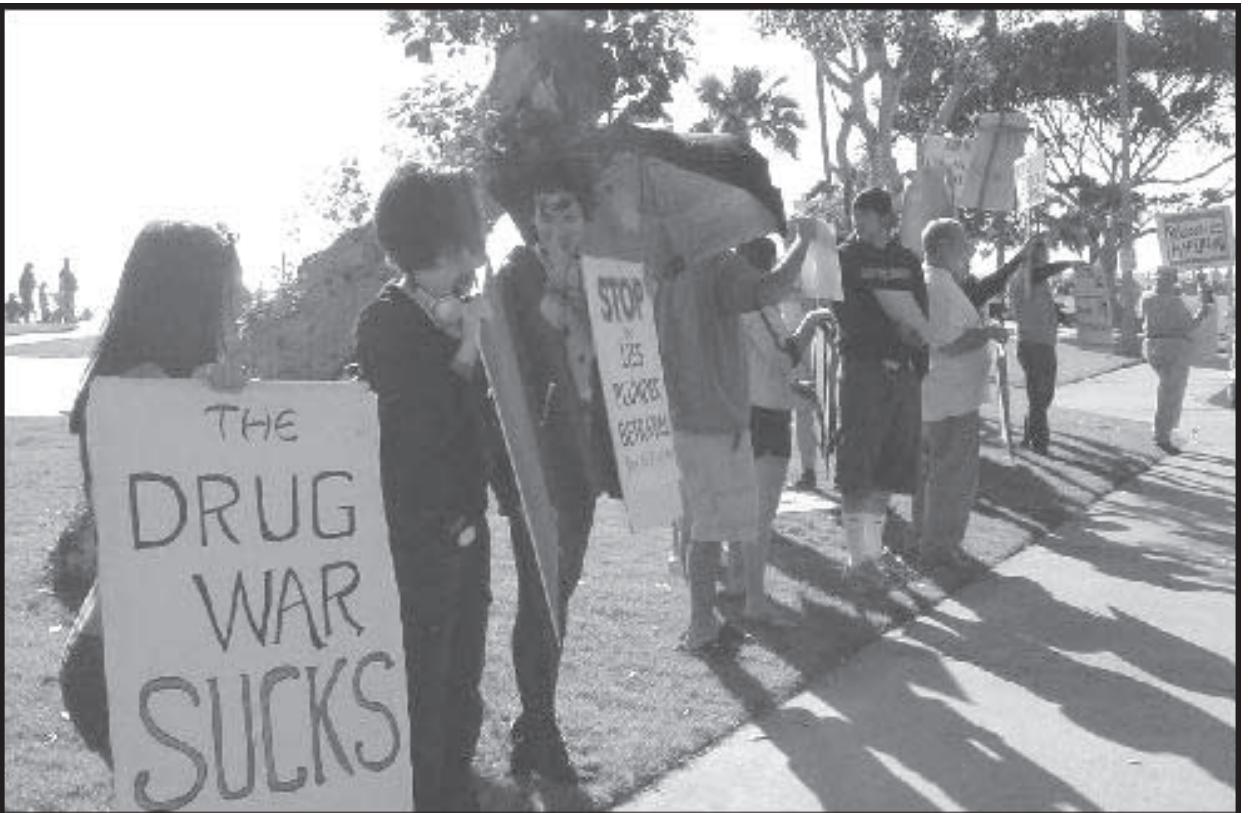
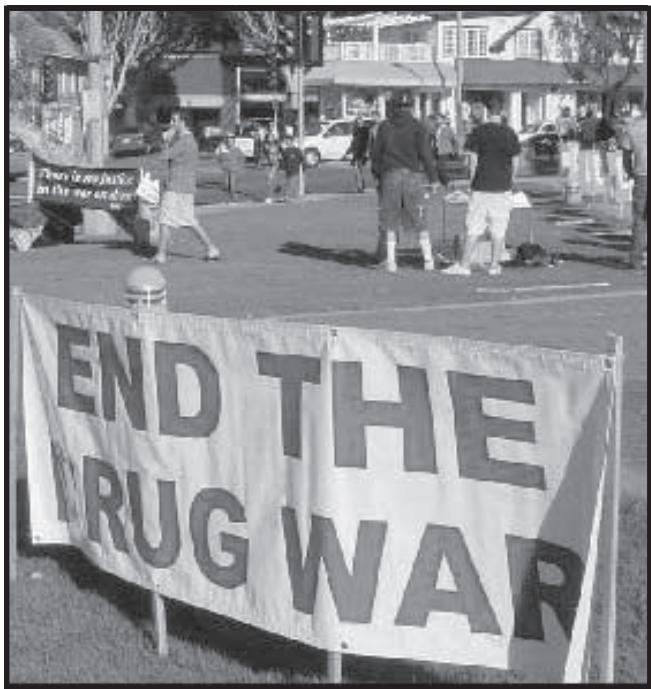
In Michigan, state prisoners construct housing components for Habitat for Humanity while learning the skills of the building trades.

"FPI is now focused on making money and annually expanding its federal contract sales," Hoekstra said. "My bill will refocus them on inmate rehabilitation. No linkage exists between the benefits of inmate work and FPI's corrosive mandatory source status."

In 2004 we expect to be reporting on varied legislative proposals for earned, early release that will define sensible policies to reconcile competing interests in prison labor, its training, rehabilitative purpose and future.

Furthermore, independent, grassroots' organizations, such as November Coalition, will insist on more significant roles of advise and consent in future administrative decisions about the releasability of prisoners to their communities. We are the ones they come home to, those who love them, and who can best assure their long-term success in the greater community.

Precious hope is renewed daily as prisoners, their loved ones and active citizens, despite much adversity, continue to speak out, stand up, rally and demand fundamental change in the laws and policies governing drug and sentencing policy.



YOU CAN LEARN ABOUT ORGANIZING YOUR OWN VIGIL AGAINST DRUG WAR INJUSTICE AT: [WWW.NOVEMBER.ORG/PROJECTS/PROJECTS.HTML](http://WWW.NOVEMBER.ORG/PROJECTS/PROJECTS.HTML)

## Laguna Beach Vigil

Special Report: April, 2003

By RACHEL MORTON, REGIONAL LEADER

**T**hank you for the graphs. They are superb! I displayed them on a table at the protest with petitions and literature. The prisoners' stories were displayed across from the table with a huge sign saying, "Drug Abuse is Bad—the Drug War is Worse."

We had held signs up to passing traffic, and numerous cars honked and waved in support. We also had a table set and a display set up by a walkway to a Crafts Guild Show. Even though it was a small group of us vigiling, there were lots of people walking by the table and display (at least 2,000). Numerous passersby stopped to read the prisoners stories, and some signed the *Petition for Relief*. Many others looked at the graphs you sent, and some took literature.

Most important is that we were there, and many for the first time read the stories of the prisoners that were on display. It continuously amazes me that people know little, or nothing, about the mandatory minimum sentencing laws. This void in public knowledge reminds me why we need to be out there!

Thanks for your support and the wonderful displays.

## One in every 32 adults now on probation, parole or incarcerated

The nation's correctional population reached a record of more than 6.7 million adult men and women by the end of 2002, the Justice Department's Bureau of Justice Statistics (BJS) announced on August 20. As of last December 31 about 3.1 percent of the U.S. adult population, or 1 in every 32 adults, were in prisons or jails or in the community under correctional supervision, compared to 2.7 percent of the population in 1995.

As of last December 31, about 1 in 5 probationers were women. More than half were white, 1 in 3 were black, 1 in 8 were Hispanic and 2 percent were of other races.

The bulletin, "Probation and Parole in the United States, 2002" (NCJ-201135), was written by BJS Statistician Lauren E. Glaze.

For more government reports on incarceration and criminal justice issues, visit [www.ojp.usdoj.gov/bjs](http://WWW.OJP.USDOJ.GOV/BJS).

## 35 from Tulia pardoned

On August 22, 2003 Governor Rick Perry of Texas pardoned 35 people ensnared in a 1999 drug sweep, months after a state judge determined that the charges were founded on little more than innuendo. The 35 residents of Tulia, Texas, most of them African Americans, were among 46 people who were arrested during the predawn raid, by far the biggest ever seen in the town of 5,000.

The charges, which led to lengthy prison sentences for many defendants, were based entirely on the information supplied by a single informant, a man once celebrated in Tulia and given a Texas Lawman of the Year award. The informant, Tom Coleman, who worked alone and offered virtually no evidence of drug trafficking beyond his word, has since been charged with perjury.

Most of those accused were released on bail in June after a state district judge determined that Coleman was "simply not a credible witness" and had withheld evidence. The judge also asked the Texas Court of Criminal Appeals to overturn the convictions, a matter the appeals court has not yet considered.

Sat, 25 Jan 2003 - Valdosta Daily Times (GA)

Section: Living the Life, page 10A

### UU Church hosts opponent of the "War on Drugs"

VALDOSTA - Unitarian Universalist Church, 1951 E. Park Ave., hosts a speaker, 1 PM Sunday, on the church's drug policy. Last June the General Assembly of the Unitarian Universalist Association, held in Quebec City, Canada, adopted a statement of conscience supporting drug-policy reform and alternatives to 'The War on Drugs', according to the church. In recognition of this assembly's efforts, the local Unitarian congregation hosts Nora Callahan, national speaker with Journey for Justice. Callahan advocates change in current drug policy. This weekend, she will give a presentation and offer discussion on alternatives.

Callahan, the co-founder/executive director of The November Coalition, is journeying throughout the Southeast. "Her mission is to educate/activate the friends and loved ones of the nation's 450,000 drug prisoners to press for change in current anti-drug policy," according to the church. "In 1997, Nora co-founded TNC with her brother, who had been sentenced to 27.5 years in the federal prison for cocaine conspiracy. TNC began as a small group of citizens whose lives have been gravely affected by the nation's anti-drug policy. TNC has grown to a nationwide network of many thousands, including ordinary citizens alarmed at the uselessness and societal damage caused by drug laws."

In 2001 Callahan married Chuck Armsbury, who detoured into revolutionary activism in the 1960s and ended up in federal prison. He is the editor of TNC's quarterly [newspaper], *The Razor Wire*. The couple left Eastern Washington State on January 8 to drive southeast in their motorhome for a five-month 5,000 mile 'Southern Journey' which is allowing them to visit a variety of forums, conferences, etc.

At the TNC website, she describes how she became involved: "My brother, Gary Callahan, had been imprisoned for about seven years when he asked me to organize prisoners with their loved ones to oppose the drug war. That was 1997, and by that time I had learned that a five-year prison sentence was considered crushing in any other country, and that our nation was just about to take title of 'World's Leading Jailer.' My brother had 22 such crushing years left to serve. If you are the loved one of a prisoner, you know firsthand this agony, the feelings of helplessness, confusion and shame."

Journey for Justice: Unitarian Universalist Church, Valdosta, GA; Sunday, January 26, 2003



Above: Nora Callahan and John Chase, November Coalition



## GOOSE CREEK . . . CONTINUED FROM PAGE 1

"The search seems to have been conducted in a part of the school frequented by African-American students who ride buses to school," the state NAACP chapter reported in a news release. "There was no reported effort to search arriving personal vehicles, the predominant mode of transportation for white students."

That didn't seem to concern predominantly white parents and faculty who had rallied in support of McCrackin and the raids earlier. Stratford High parent Robin Stout told the *Spartanburg Times* she supported the principal and the police 100%. "If I was going to place blame, it would have to be on the kids that have been bringing drugs to school," Stout said. "I wouldn't blame the school. I wouldn't blame the police department."

Outside observers who traveled to Goose Creek in the wake of the raid, including Loretta Nall of the US Marijuana Party and Dan Goldman of Students for Sensible Drug Policy (SSDP) commented frequently to the press on racial tensions in South Carolina. This is the state that allows prosecution of poor black women for prenatal drug use, and where its leaders remain unable to resolve long-simmering conflict over display of the state's Confederate-style flag.

Goldman and Nall also copied and made available materials like the "Racism and the Drug War" section of Common Sense for Drug Policy's *Drug War Facts* booklet, which they passed out to dozens of interested parents and students, as well as attending an NAACP-sponsored meeting on the issue that same night.

"I reminded them that they have the support of hundreds, if not thousands, of people across the country who share their outrage and that although this is going to be a long, hard battle ahead, they can count on SSDP and the broader drug reform community for support," said Goldman.

Angry students and parents, and "outside agitators" like Goldman and Nall are not the only ones protesting the raids.

**NO DRUGS WERE FOUND DURING THE RAID, ALTHOUGH THE HIGH SCHOOL PRINCIPAL SAID HE ORDERED THE RAID BECAUSE OF "INCREASED DRUG ACTIVITY" HE THOUGHT HE SAW WHILE PEERING THROUGH THE SCHOOL'S MORE THAN 70 SECURITY CAMERAS. THE PRINCIPAL ADDED THAT HE DID NOT KNOW POLICE WOULD CONDUCT THE RAID WITH GUNS DRAWN. DURING THE RAID, A POLICE DOG SNIFFED DRUG RESIDUE ON 12 BOOK BAGS BUT FOUND NO DRUGS. NO ONE WAS ARRESTED.**

having police hold their children at gunpoint. They should be gratified to hear the Berkeley County School District superintendent say that it won't happen again. They should hear it from the school board as well."

The school district is reconsidering its policies, the Goose Creek police department has begun an internal investigation, and the State Law Enforcement Division (SLED) is now several weeks into its estimated two-month investigation. The local prosecutor, Ralph Hoisington, has asked the FBI to decide if there were any federal law or civil rights violations.

As this issue goes to press, the South Carolina Attorney General is also investigating the raid, and the families of 17 students involved have filed a lawsuit against the city of Goose Creek and the Berkeley County School District in federal court, alleging police and school officials terrorized them in the drug raid. The Rev. Jesse Jackson, a South Carolina native, has announced plans for a Dec. 16 rally to protest the drug raid.

Source: compiled from news articles and *The Drug War Chronicle*, [www.stopthedrugwar.org](http://www.stopthedrugwar.org)

## The movement for reform grows

By JOHN CHASE, NOVEMBER COALITION

The 2003 Biennial conference of the Drug Policy Alliance held at the Meadowlands in New Jersey in early November included indication of the growing influence of the reform movement. Although the non-governmental organizations involved in reform are suffering budget stresses common to all non-profit organizations this year, there was a sense of optimism and hope. Real progress is being made in the U.S. and in other countries to make sensible change in some of the most destructive policies of the drug war.

Dr. Ethan Nadelmann and Rev. Edwin Sanders II convened the conference Thursday morning at its opening session with speeches telling where the movement is now and where it is going. Dr. Nadelmann is a long-time drug policy reformer, currently the executive director of the Drug Policy Alliance; Rev. Sanders is the Senior Servant and Founder of Metropolitan Interdenominational Church in Nashville, and long involved in alleviating the suffering of those affected by substance abuse, sexual violence and HIV/AIDS.

The conference included major sessions ranging from "Regional Reform" to "Congress, Club Drugs and the Business of Dancing", to "Marijuana", to "Those Wild and Crazy Canadians" to "Building a Movement in Communities of Color".

Among the dozens of other sessions were workshops on (1) State-Based Lobbying and Successes, including the rollback of mandatory minimum sentencing laws in Michigan; (2) Law Enforcement Against the Drug War, the recent and very rapid growth of a cadre of former officials now telling audiences across the country how drug enforcement really works and how drug prohibition can never succeed; (3) Pain, Opiates, and Opiophobia, about the magnitude of the undertreatment of chronic pain in the U.S., how physicians are threatened with arrest for sustaining these patients on their medicine, and the terror that chronic pain patients feel when threatened with loss of meds, even prosecution for their "addiction".

Many other workshops were held on such topics as "A Lifetime of Punishment: The Consequences of a Felony Drug Conviction", "Resistance Rooted in Faith: Religion, Justice and the Drug War", "Drug Wars in the Americas: Views from the South", "Working for Reform WITHIN the Criminal Justice System", "Global Drug Prohibition: Evolution and Dissolution", "Racial Profiling", "Psychedelics", "Anti-Drug Task Forces: Focus on Texas", "Latinos and the Drug War" and "A Lifetime of Punishment: Families Torn Apart by the Drug War".

Midway through the conference came the widely reported news of the 'drug sweep' in Stratford High School in Goose Creek, SC, near Charleston (see page 1). No drugs were found. As the conference was ending, Loretta Nall, one of many first time attendees, was making plans to go there to talk to the students and parents about making such police actions a thing of the past.

At the Saturday afternoon closing session, Larry Campbell, the former mayor of Vancouver, BC, emphasized that we must confront prohibitionists when they lie. He likened the assertion

Berkeley County Superintendent of Schools Chester Floyd repudiated the police tactics also. "I don't believe these particular tactics are acceptable," he told a public meeting. "I am sure that everyone is going to learn some lessons from this," he said.

Two of the state's leading newspapers, the *State* and the *Charleston Post and Courier*, have weighed in as well. "We support the goal of a drug-free environment for the teen-agers studying in high schools around our state," wrote a *State* editorialist. "We back the parents, educators and law enforcement officers who strive each day for an orderly, lawful and safe school environment. So there is no way we can back

last week's armed incursion into Berkeley County's Stratford High School."

The *Post and Courier*, for its part, first editorialized on the topic one week after the raid.

"The passage of a week has failed to quell complaints about a drug raid at Stratford High School, as witnessed by the public response at a school board hearing," the newspaper editorialized. "Small wonder. Most parents would be understandably irate over

having police hold their children at gunpoint. They should be gratified to hear the Berkeley County School District superintendent say that it won't happen again. They should hear it from the school board as well."

The school district is reconsidering its policies, the Goose Creek police department has begun an internal investigation, and the State Law Enforcement Division (SLED) is now several weeks into its estimated two-month investigation. The local prosecutor, Ralph Hoisington, has asked the FBI to decide if there were any federal law or civil rights violations.

As this issue goes to press, the South Carolina Attorney General is also investigating the raid, and the families of 17 students involved have filed a lawsuit against the city of Goose Creek and the Berkeley County School District in federal court, alleging police and school officials terrorized them in the drug raid. The Rev. Jesse Jackson, a South Carolina native, has announced plans for a Dec. 16 rally to protest the drug raid.

Source: compiled from news articles and *The Drug War Chronicle*, [www.stopthedrugwar.org](http://www.stopthedrugwar.org)

## Older child of the drug war

By TOBI CROSSLAND

My mother is imprisoned at a Federal Prison Camp. I am an older 'Child of the Drug War,' but young or old, this war affects us all. You see, when all of this started, I was just a teenager; my brother, sister and I all experienced the 'no knock raids' and rude police behavior. My mother was sent to prison about three years ago, a couple of days before the statute of limitations would have run out.

I now have two children of my own, one who knew his grandmother for three wonderful years and one who may never know her until he's sixteen. My oldest son and my mother had a special bond no one could break, and to this day he talks about the memories of the things he and grandma did.

Meanwhile, his father passed away, and a month later my sister passed away while our mother was imprisoned. The everyday struggle of dealing with their deaths and my mother not here is sometimes unbearable. Every prayer includes her and her struggle to handle our family's trials while being away from us.



(L to r) Tobi, her brother Caleb, her mother Ruth holding Tobi's son Austin, and her sister Casey, who passed away in February 2001 — a month after this picture was taken.

When we go to see my mother, I sometimes feel guilty for hurting so badly when I see the younger 'Children of the Drug War' in the prison visiting room with their mothers. As a mother I can only imagine the pain these women feel when the visit is over, as children grasp their mothers so tightly and cry so hard trying not to be torn away from their moms!

My mother's prison roommate has little ones who sometimes leave before us, and the strength she reveals in fighting back tears while they are with her is empowering. I know in a few minutes all of that strength will end, and she and so many other mothers will spend hours, some even days, crying from the visit that was so bittersweet.

## Michigan study concludes drug testing doesn't deter students' drug use

A federally financed study of 76,000 students nationwide, by far the largest to date, "found drug use as common in schools with testing as in those without it," according to the *New York Times* (5/19/03). Lloyd D. Johnston, one researcher from the University of Michigan, said, "The results suggest that there really isn't an impact from drug testing as practiced."

The Michigan study, published in the April *Journal of School Health*, found that only 18 percent of the nation's schools did any kind of screening from 1998 to 2001.

## Dedicated Florida activists



Journey for Justice: November Coalition Dinner Meeting Photo Op, Clearwater, FL; February 27, 2003  
Back: John Chase, Chuck Armsbury and Nora Callahan of the November Coalition. Front: Bob and Cathy Jordan



Journey for Justice: November Coalition Dinner Meeting, Clearwater, FL; February 27, 2003

Cathy Jordan is a medical marijuana activist in a wheelchair with Lou Gehrig's disease, or ALS, one of the few with inclination and guts to go public.

They live in Parrish, Florida, near Bradenton. Once in Tallahassee they actually questioned Gov. Jeb Bush in a parking lot, asking, "Why can't I have my medicine, medical marijuana?" Jeb gave the usual BS about "I can't give you permission to violate our laws."

Bob Jordan is a very supportive guy, a Vietnam vet and activist alongside Cathy. Their kids are equally supportive. Neighbors say if cops come to arrest her, they are coming out with their video cameras. — John Chase

In Clearwater, FL, a variety of people crowded into a Chinese restaurant to watch Melissa Mummert's 10-minute video and hear each other speak briefly. A medical marijuana patient told of needing her medicine, and a Hispanic mother spoke bitterly about her son's life sentence. She is pictured standing, talking with prisoner David Correa's parents, Ruth and Francisco Correa from across the state.

Language barriers got smaller as the stories unfolded. A black woman long active with another reform group said it's about time for all of us in different groups to ally and commit to working on earned early release, something besides the same old "doin' time without rhyme". — Chuck Armsbury

# Apprendi revisited

## Blakely v. Washington

By G. PATRICK CALLAHAN, PRISONER OF THE DRUG WAR

Just when you thought Apprendi was dead and stinking comes the latest attempt at CPR of the American criminal justice system. If you're like me, you are sick and tired of hearing about the "landmark" *Apprendi v. New Jersey*<sup>1</sup> case in 2000, which should have blown open the doors on the essential farce called the Federal Sentencing Guidelines.

Apprendi opened no doors — not after the circuit judges got through twisting it out of shape. They put Apprendi through the blender and shredded it so as to afford no relief to the million-plus inmates sentenced too harshly under the scheme. Scheme, by the way, is the operative word here.

Apprendi defends a core idea in United States law establishing that a trial jury must find all facts known to exist in order to subject a defendant to a legally prescribed punishment.

Appallingly, one appellate court after the next squeezed Apprendi's rationale through the eye of a legal needle no argument could thread. It's what they do, these so-called Guardians of the Constitution. Add a pinch of *Teague v. Lane* and a dash of 'harmless error' and, voila; even if your argument, however valid, isn't barred by non-retroactivity, it wouldn't matter anyway because, well, it just doesn't, so there.

I'm not sure when the courts decided it was just peachy for the Bill of Rights to be applied intermittently, and that if by constitutionally aberrant decisions the defendant loses out, it's just too damned bad. It's one of the many reasons why this system has collapsed. Yet the legal mavens in federal courts — whether appellate or district — have enjoyed and prospered from the status quo.

State and federal courts have sentenced people to inordinate amounts of prison time, millions of years of prison time at astronomical expense, thus ruining millions of lives, without so much as batting a tear-filled eye. Many of these judges are political conservatives who deeply and sincerely feel that no amount of punishment can ever be enough. It's been the Republicans, especially, who have salted the federal judiciary with appointees bearing just this mindset.

President Reagan, alone, successfully installed five hundred federal judges. Other Robed Ones are simply craven — they saw which way the river was flowing and just went downstream and down the drain, easier by far than bucking the system. "My hands are tied" is their worn out song, and when they finally 'cop it' in preparation to be judged by the Man In The Sky, do they think it would make a fine last ditty on their tombstones? Gee, my hands were tied. But no, they actually weren't.

Apprendi is arguably one of the most sensible decisions the Rehnquist court has made thus far and ought to have been broadened, not closed down by these most Supreme judges. Apprendi's principles are easily grasped: a defendant has a Fifth Amendment right to be charged — by indictment — for that which will abridge his liberty. He has a Sixth Amendment right to be notified of the charge in order that he may defend himself against it in court. He has the right to trial by jury and to have the jury make a finding beyond a reasonable doubt as to his guilt or innocence.

This isn't rocket science. There's nothing arcane or unintelligible about these mandates, but so-called "sentencing enhancements" written into the current Federal Sentencing

Guidelines circumvent all of these basic rights which were placed into the Constitution in an era of common sense by Founders leery of unbridled power. Constitutional framers Jay, Madison and Jefferson, were they resurrected today and shown the current system, would no doubt dive back into their graves.

Under current Federal Sentencing Guidelines, once you are convicted of the predicate (underlying) offense, or if you have pled guilty to it, at sentencing the judge — goaded by the prosecutor — can "enhance" (that is, "increase") your sentence literally by decades. In the first place, in many categories and especially for drug offenses, the punishment level is already set far too high by a faulty system that incorporates easily manipulated drug quantity to "find" the level.

The jury doesn't do this, and even in a plea agreement it's very seldom written understanding that the defendant is going to be hit with an additional and often hypothetical drug amount after the jury is dismissed. After that, the courts pile it on with further enhancements such as role in the offense, obstruction of justice, and gun possession — on and on it goes.

Enhancements can and often do exceed the punishment for the predicate offense and are handed out without the defendant having been indicted for them. This violates the Fifth Amendment no matter what goofy, whimsical, transitory holdings the circuit judges adhere to about "sentencing factors" vs. "elements of the offense," distinctions difficult to make and which seem to be little more than nonsensical quibbling.

What is this arrogant and errant nonsense? Any official action which deprives a citizen of freedom, anything which increases one's punishment, must be held to the minimal constitutional standard of charge (indictment), notice of the charge and the chance to defend oneself in court.

My life's experience teaches me that the federal courts arrived where they are today through massive legal conceit, propagated in halls of justice manned by judges appointed for life, Harvard and Yale lawyers with a misplaced priestly pride that easily embraces all that is cynical and evil. The amount of word bending which has ensued since Apprendi promises to make anyone with a modicum of reading skill deeply contemptuous of the courts at every level. The Great Robed Ones could have hacked a legal, constitutional path out of the current wilderness many times — and especially post-Apprendi.

Enter the current case. In *Ring v. Arizona*<sup>2</sup>, the Supreme Court utilized its Apprendi rationale to reason that after conviction of murder, it was improper for the judge, rather than the jury, to find mitigating or aggravating circumstances which would either keep the defendant off death row or place him there, waiting to die. The Supremes ruled that judges can no longer make these findings by the so-called "preponderance of the evidence" standard, but rather, it must be made by the "beyond a reasonable doubt" standard, by the jury, and based upon evidence admissible in court.

Hence, the US Supreme Court Justices stand once again for the public record in opposition to hearsay, innuendo, paid-for testimony and all the extra-judicial pollutants commonly ingested by a diligent judge, often just whatever is provided to him by the prosecutor and the probation office.

When the Ring decision was made, experienced jailhouse lawyers assumed the rationale must naturally and necessarily flow downward to all cases. We thought it wouldn't just be applied to death penalty cases. With Apprendi before, Ring now, was it irrational to expect that a judge finding someone "guilty" of sentencing enhancements would be barred from doing so under the 'preponderance of the evidence' standard?

Although the level of punishment is vastly different between death and a two-year addition to a sentence by enhancements, the Constitutional principle is, without a doubt, the same. Most of us who do legal research in prison can find many reported sentencing decisions based on judges currently, but improperly, using inadmissible information to make the enhancing decision. As we know, virtually anything can get into a Pre-Sentence Report, including outright perjury.

*Blakely v. Washington*<sup>3</sup> will address whether the principle in Ring applies broadly across the criminal justice system. I'm of the humble opinion that it obviously should apply, and any attempt to uncouple the principle from non-capital cases would be inconsistent and disingenuous. So here is the chance for Justice Anthony Kennedy to put his credibility, his personal integrity, where his mouth has been recorded over the last few months in national headlines.

Kennedy recently addressed an American Bar Association gathering, and from the podium assured his lawyerly listeners once and for all that the Sentencing Guidelines were too punitive. Kennedy said that if Congress wouldn't fix the problem, the courts would do so through case law. While I'm reasonably confident that Mr. Kennedy will line up in favor of Blakely, I'm less confident that lower-ranking, circuit judges will then grant any relief to petitioning prisoners.

There is the matter of retroactive effect. Foremost, the Supreme Court would have to make Blakely an unequivocal standard, a brightline rule of constitutional law or substantive rule. The Supreme Robed Ones should declare this standard plainly and unequivocally to cowering appellate judges since, for them, anything less than an outright statement to that effect will presumably let them continue to hedge and err out of fear of what's really expected of them. I'm not optimistic.

Perhaps the recent schism and sparring between John Ashcroft's Department of Justice and the courts might help crystallize the issue. If I was a federal judge, I'd be mighty upset knowing that Ashcroft's men were making a list of discretion using judges and checking it twice to see which ones are naughty and which ones are nice.

The Department of Justice has not only run defendants against the wall, but also plenty of learned jurists. But who really has the say here? Who will really shape the criminal justice system from this point on?

Personally, but regrettably, I'd bet on Ashcroft and his boys — they really know how to stick it to everyone and damn the consequences. Odds don't favor this current gaggle of contented courtroom cluckers, many of whom quietly began ignoring, long ago, their 'third leg of government' duty to check the out-of-control Executive branch. We've seen that for fifteen years now.

### Footnotes:

1. *Apprendi v. New Jersey*, 530 US 466 (2000)

2. *Ring v. Arizona*, 153 L. Ed 2d 556 (2002)

3. *Blakely v. Washington*, 02-1632

For recent Apprendi updates online, visit, [www.famm.org](http://www.famm.org), [www.nacdl.org](http://www.nacdl.org) and [www.fedcrimlaw.org](http://www.fedcrimlaw.org).

## The 20 second knock raid

FROM THE DRUG WAR CHRONICLE ([WWW.STOPTHEDRUGWAR.ORG](http://WWW.STOPTHEDRUGWAR.ORG))

The US Supreme Court ruled in December, 2003 that police serving a drug search warrant need not wait for more than a few seconds after announcing their presence before forcibly entering the target residence. The ruling overturned a decision by the US 9th Circuit Court of Appeals in San Francisco — the most liberal federal appeals court — which had attempted to set up a matrix of conditions that would govern how long police officers must wait before breaking down the door.

In previous rulings, the Rehnquist court has grudgingly acknowledged the traditional legal norm that for searches to be "reasonable" under the Fourth Amendment generally requires police to knock and identify themselves before entering a home. But, largely driven by the logic of the war on drugs, the court has also carved out increasingly large exceptions, allowing police to conduct "no-knock" raids when they have reason to believe they are at risk or evidence may be destroyed.

It is the "no-knock" raids that are so familiar to viewers of COPS and similar pro-police television programs, where heavily armed, SWAT team-style units burst into houses with guns drawn, screaming commands at frightened residents. Such raids have led to numerous deaths as residents shoot at the masked, screaming intruders, who typically arrive in the middle of the night, or as adrenaline filled police shoot the people inside -- sometimes with reason, sometimes not.

In the case in question, North Las Vegas, Nevada, police and FBI agents served a search warrant on LaShawn Banks, a suspected drug dealer. They knocked on the door, but after hearing no response for 15 or 20 seconds, broke it down. Banks

was in the shower. Police handcuffed him, still naked and dripping wet, and interrogated him in the kitchen, where they recovered crack cocaine and guns. Banks argued that the evidence should be suppressed because police failed to give him an opportunity to answer the door.

While the 9th Circuit had attempted to set standards for "no-knock" raids based on a number of factors, including the crime being investigated, Justice David Souter, writing a unanimous opinion, said the Supreme Court "disapproved" of the 9th Circuit's effort. Police need flexibility, the Supreme Court said. "Though ... this call is a close one," Souter wrote, "we think that after 15 or 20 seconds without a response, police could fairly

suspect that cocaine would be gone if they were reticent any longer."

Randall Roske, who represented Banks, told the Associated Press the ruling would be seen as a green light by police. "Police are going to read this as, 'Knock and announce and kick the door in,'" he said.

George Washington University law professor Stephen Saltzburg agreed. "This gives officers the leeway they were taking throughout the country," he told AP. "This is a case that suggests great deference to the police."

The full decision is available online at: [WWW.SUPREMECOURTUS.GOV/OPIINIONS/03PDF/02-473.PDF](http://WWW.SUPREMECOURTUS.GOV/OPIINIONS/03PDF/02-473.PDF)

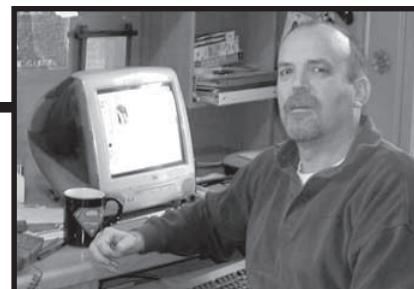


Journey for Justice: Unitarian Universalist Church, Ft. Lauderdale, FL; Sunday, February 9, 2003  
Nora Callahan (right) teaching 'Sunday School'

# FROM THE DESK OF

## Tom Murlowski, November Coalition

### Petitions, Projects and Campaigns



In addition to publishing *The Razor Wire* newspaper periodically, producing brochures, displays and keeping pertinent news and resources online, our plans and evaluations for the future begin with feedback from our members. We translate many types of communications into improved public education materials. Your input is critical.

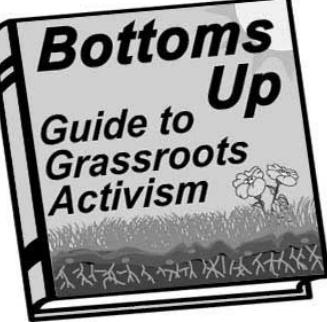
Our challenge, as more legislative support for prisoner release and enforcement reform becomes apparent, is to teach more people to be leaders for other citizens to work with locally. Good elected leaders need the support of their local community. That is where the votes to keep them office, and give them more power in office, come from. If a leader doesn't have to fear backlash and criticisms from their own community, and their citizens are behind them on a particular issue — they can be more vocal in Congress. Perhaps it's a mayor you have in mind; if citizens are behind them, it makes leadership work.

The same formula works to deal with bad leaders. Community support for reform should support good candidates who can defeat leaders that further injustice with bad law.

To make some educational materials widely available and accessible, so that community education remains current and interesting, during summer 2003 we re-designed and expanded our websites at:

- [www.November.org](http://www.November.org)
- [www.JourneyForJustice.org](http://www.JourneyForJustice.org)
- [www.OpenTheCan.org](http://www.OpenTheCan.org)

Thanks goes to MAPInc, aka DrugSense ([www.drugsense.org](http://www.drugsense.org)), who provide us with a continuous news feed that gives visitors daily news updates on subjects our members want to follow closely. Visitors to our websites have easy access to the following projects and campaigns in progress today.



**Bottoms Up**  
Guide to Grassroots Activism

**Technical Assistance**  
Choosing a Meeting Location  
Order Supplies  
Publicity - You Want It!

**Grassroots Organizing**  
Getting Started  
Starting a Local Group  
Expanding Your Network  
The First Meeting  
Forming a Family Group

**Reading Room**  
Media Resources  
10 Tips to End the Drug War  
Becoming an Activist  
Communication Skills  
Closing Your Letters/Memos  
Tax Credits for Volunteers  
Working with Legislators

**Activities**  
Tabling  
Making a Display  
Vigil, Rally, Demonstrate  
Presenting a Video Series  
**And much more ...**

**Bottoms Up: Guide to Grassroots Activism** - A comprehensive, step-by-step primer on how to educate the public to get the social change we want.

When Chuck and Nora returned from the *Journey For Justice* that ended in spring, we took what we learned collectively during the experience, and compiled a guide that helps people do the work of organizing and activism in their community. Useful for beginning and seasoned organizers, this how-to manual covers topics such as Organizing a Public Event or Private Meeting with Officials, Designing Flyers and Posters, Working with Others, Leading a Demonstration, progressing to Building a Relationship with the Media and Elected Officials.

Also included is a generous sampling of artwork, press release examples, educational literature, studies and reports, graphs and displays to share with the public, meeting forms, and other resources for organizers of different levels of skill. Educational Supplies include banners, posters, brochures, full displays and periodicals.

The November Coalition offers a variety of materials for public education, vigils, and meetings. Contact our office or visit our websites for details of what is offered.

A noteworthy, continuing Coalition educational campaign is the *National Vigil Project*, a plan created four years ago to encourage regular drug war vigils throughout the nation. Regular public vigils throughout 1999 and into year 2000 built up interest in a 2 Million Too Many national event, a coordinated series of demonstrations, vigils, press exposure and other actions calling attention to the 2 million prisoners in America in custody as of February 15, 2000. Today, these vigils continue under coordination of local volunteers and alliances with other groups. If you

need posters for vigils, an educational display, or other materials I'm the guy you can ask. Write or call our office; online, I can be reached at: [tom@november.org](mailto:tom@november.org).

**The Petition for Relief from Drug War Injustice**, launched spring of 2002, continues a tradition of direct, grassroots organizing that relies on a nationwide base of volunteers. Noting the failure of current sentencing policy, the *Petition for Relief* asks for a return to federal parole and/or a significant increase in good-time eligibility. The Coalition has committed to continue this effort until significant, broad sentencing relief is signed into law. Almost 50,000 signatures have been collected, with more coming in every day (see state-by-state breakdown on this page). The objectives of *The Petition for Relief* Campaign are to:

- Build public and governmental support for a return to Federal parole and/or early release plan for US Federal prisoners.
- Provide an infrastructure connecting like-minded citizens to each other
- Assist others willing to educate friends, family and associates about the danger of the escalating war on drugs.
- Teach the work of organizing to citizens who seek to change their circumstances
- Demonstrate our "Right to Petition" as a basic and fundamental right to address grievances in a free society.

**Four That Got Away** - A graphic exposé of the hypocrisy of the drug war, featuring a comparison of four political figures (life-sized or posters) who are also acknowledged illegal drug users.

These laminated images are Presidents George W. Bush and Bill Clinton, Vice-President Al Gore, and past Speaker of the House Newt Gingrich. For teaching by contrast, we include a selection of drug war prisoners sentenced to years and decades in prison. If you, or a group you belong to, would like to have a *Four That Got Away* display and/or brochures, visit, call or write our office today.

**Open The Can: A CANpaign for Freedom** - continues to raise public awareness about the injustice of current United States' sentencing laws, and teaches how failed policies have created overcrowded human warehouses. There's something fishy about the war on drugs is the message. It's printed on T-shirts, and labels that can be applied to standard sardine cans and go directly through the mail educating all who handle it on the way to your intended recipient.

All of this is the result of hundreds of interactions among prisoners, family members of prisoners, advisers, media colleagues handled by our small home office staff. Please get in touch with our office if you have questions, comments and suggestions for present or future, coordinated November Coalition activism.

**The Journey for Justice**, launched Autumn 2002, has already reached many areas of the United States, and has logged almost 25,000 miles thus far. Events on the schedule have included college forums, neighborhood meetings, vigils, marches, discussions with officials, media interviews, church presentations, private meetings, debates, potlucks and more.

*Journey for Justice* springs from the extreme need and aspirations of thousands of drug war prisoners and their loved ones victimized by unjust drug and sentencing laws. We journey for justice to fortify resolve and awaken the dignity of ordinary people assaulted daily by a drug war that isn't a war on drugs — but a war on people.

As our team travels the country, grassroots activists and community leaders gather to voice their concerns about the war on drugs. *Journey for Justice* events include meetings large and small, in urban areas and small towns. In public and private

Brochures, books, graphs, posters, banners, t-shirts, projects and more . . .



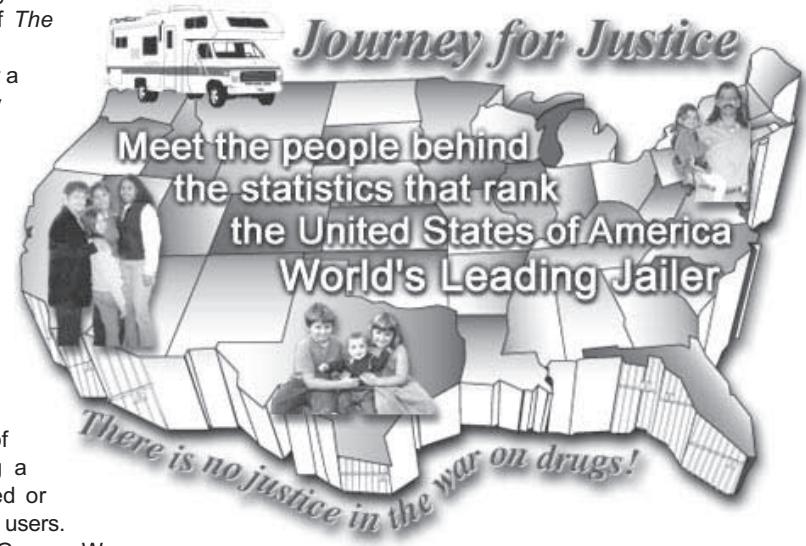
We have supplies for you!

Visit [www.november.org](http://www.november.org) or write or call our office today!

forums, we introduce others to the people behind the statistics that rank the USA as world's leading jailer.

We are inviting our friends and supporters to a picnic in the park, a teach-in at your local college, a civics club presentation, a breakfast or informal potluck with your close friends and family. Join activists, volunteers and other groups nationwide who are building a 'from the bottom up' movement that will assist leaders and policy makers in ending drug war injustice.

Many people share the notion that there is real power to end the US Drug War residing in common, ordinary people.



Opinion makers and leaders insist they need grassroots' support to affect change, and ordinary people respond to leaders in the US Congress willing to turn that support into reform legislation. As the rhyme goes, it 'takes two' to make this process true.

Local organizers are people like you - citizens who recognize that it is a disgrace that the United States allows so many people to be warehoused in prison for non-violent drug offenses. The problems associated with illegal drugs need sensible solutions.

A tour of the northwest will take place in February and March, 2004. Please visit the website at [www.JourneyForJustice.org](http://www.JourneyForJustice.org) to register as a journey volunteer and watch the progress of emerging schedules.

**PAFO!** is an emerging project to complement the Journey for Justice. *Putting a Face On It* will cover the expense of transforming a typical motorhome into a display on wheels! Wherever we journey, we intend that November Coalition Faces and Message are viewed by the public. To designate a special donation for this project, please write 'PAFO!' in the memo line of your check or money order, along with the amount you would like to designate to this special project.

The latest addition to our web site is our expanded Federal Parole section ([www.november.org/parole](http://www.november.org/parole)), including our *Petition for Relief* (see below), current and past legislation concerning early release, and several proposals for early release submitted by prisoners.

### The Petition for Relief from Drug War Injustice

Total signatures collected as of 12/9/03

ALABAMA	769	NEBRASKA	294
ALASKA	117	NEVADA	1616
ARIZONA	435	NEW HAMPSHIRE	88
ARKANSAS	430	NEW JERSEY	350
CALIFORNIA	2013	NEW MEXICO	348
COLORADO	480	NEW YORK	1903
CONNECTICUT	228	NORTH CAROLINA	1792
DELAWARE	66	NORTH DAKOTA	140
FLORIDA	6362	OHIO	317
GEORGIA	727	OKLAHOMA	599
HAWAII	48	OREGON	326
IDAHO	73	PENNSYLVANIA	878
ILLINOIS	1754	PUERTO RICO	621
INDIANA	613	RHODE ISLAND	210
IOWA	1337	SOUTH CAROLINA	693
KANSAS	260	SOUTH DAKOTA	130
KENTUCKY	598	TENNESSEE	1172
LOUISIANA	799	TEXAS	2905
MAINE	61	UTAH	111
MARYLAND	376	VERMONT	61
MASSACHUSETTS	368	VIRGINIA	911
MICHIGAN	889	WASHINGTON	2253
MINNESOTA	322	WASHINGTON DC	199
MISSISSIPPI	346	WEST VIRGINIA	413
MISSOURI	1280	WISCONSIN	284
MONTANA	559	WYOMING	134
<b>International</b>			
CANADA	15	PETITION TOTAL	40,167
COSTA RICA	1	ONLINE TOTAL	4123
MEXICO	6		
BRAZIL	1	<b>TOTAL</b>	<b>44,290</b>
JAMAICA	85		
AUSTRALIA	1		

# Lock-'em-up logic fails on all fronts

Tribune Media Services

**A**fter two decades of being "tough on crime" by "locking them up and throwing away the key" — to recall two of the effective political slogans of the past — the bill has come due. Many states have become incapable or unwilling to pay the cost of housing record numbers of inmates. Twenty-five states have already passed laws easing or eliminating the minimum sentencing requirements that were politically popular in the 1980s and '90s. They are also considering early parole for nonviolent, non-dangerous offenders to ease overcrowding and the cost of warehousing so many convicts.

Joseph Lehman, secretary of the Washington state Department of Corrections, told the New York Times (Nov. 10) that the people behind liberalizing the tough laws "are not all advocates of a liberal philosophy." Indeed, they are not. I am one of them.

According to the Bureau of Justice Statistics (BJS), the U.S. prison and jail population exceeded 2 million for the first time in June 2002. By the end of last year, 33,000 more inmates had been added to the total. That means one out of every 142 residents is incarcerated in this country. The average cost to states per inmate per day is \$57.92, according to the 2000 Corrections Yearbook. In Georgia, where about 35,000 citizens are behind bars, it costs taxpayers more than \$20,000 per year per inmate and each jail cell costs \$60,000 to build.

What are taxpayers getting for their money?



Cal Thomas

*Making me pay the person I have wronged is a far better and more proven method for changing my life and behavior than putting me in prison where statistics show I am more likely to become a better criminal than a better citizen.*

They get a false sense of security, as if putting current criminals behind bars ensures there won't be future criminals. If locking up everyone now committing crimes would eliminate crime, I'd be all for it, but new criminals are born, or made, every day. Something is wrong with the system.

Violent and dangerous offenders should be locked up and, in capital cases, executed. But violent offenders are just 49 percent of the prison population. Again, according to BJS, the rest of the prisoners are behind bars for property crimes (19 percent), drug crimes (20 percent) and crimes affecting the "public order" (11 percent). This half of the prison population ought to be doing something else besides sitting in prison and costing the law-abiding money.

We do retribution well. We should be focusing on restitution.

If I steal your TV set, putting me in prison won't get it back. Making me pay a fine to the

government (whose TV set was not stolen) won't restore your set, unless you have a very low deductible on your homeowner's insurance, which will undoubtedly go up if you file a claim. It would be better if the law required me to work to earn the money to buy you a new TV set and to pay you, not the government, a fine for your inconvenience and trouble. I should also be forced to pay court costs.

Such an approach would have a number of benefits. First, you would get your TV back. The victim should always be the law's primary concern. Second, forcing me to acknowledge that I have wronged a person and not the state (which is a non-person) can help change my view of other people's property. Third, it would save taxpayers the cost of incarcerating me. And, fourth, making me pay the person I have wronged is a far better and more proven method for changing my life and behavior than putting me in prison where statistics show I am more likely to become a better criminal than a better citizen.

If the objective of criminal laws is to reduce crime, the laws currently on the books are clearly not achieving it. The corporate monsters who rob stockholders and employees of their jobs and careers shouldn't go to jail. They should be forced to work to pay off as much as they possibly can to those they have wronged. That is redemptive for them, and it is restorative to the victims who lost their retirement and their paychecks to greed.

Republicans, who were behind many of these "tough on crime" laws, have an opportunity to fight crime in ways that will actually work and save the taxpayers lots of money. That is supposed to be the Republican way. It is certainly the only way that will succeed.

PHOTOCOPY THE ARTICLE BY CAL THOMAS AND SEND TO CONSERVATIVE CONTACTS; CLERGY, COLLEAGUES, FRIENDS, LEGISLATORS, ETC.

Journey for Justice, Phoenix, AZ. Below: Jack Cole of LEAP (Law Enforcement Against Prohibition) shares stories of cops and the drug war. Right: Nora Callahan, November Coalition, addresses the congregation.



## Arizona Sheriff Arpaio must pay for Tent City assault

The Arizona Court of Appeals recently upheld a jury verdict awarding a prisoner \$635,532 for damages resulting from a violent assault by other prisoners in Maricopa County Sheriff Joe Arpaio's infamous Tent City jail. Jeremy Flanders was a prisoner who refused to join any of the prison gangs that Arpaio tolerates.

For this act of independence, on May 10, 1996 Flanders was pulled off his bunk by "five or six individuals wearing hoods" who struck him with various objects; they kicked, jumped on, and hit him viciously on the head with tent spikes made of reinforcement bar".

Flanders' injuries were both severe and permanent. He suffered a closed head injury and was in a coma for several days, resulting in permanent brain damage. Including loss of motor function, he lost sensation in his hand and will suffer from permanent memory loss.

Reckless disregard of human rights' principles characterizes this Nazi-like Sheriff who conned voters into buying a military tank for his drug war arsenal (See photo on cover). The Court found conditions in Tent City to be dangerous and deplorable, with temperatures inside the tent sometimes exceeding 100 degrees, while in the nearby 'control center,' guards lounge and gossip in air-conditioned rooms. Sheriff Joe likes to brag publicly about how uncomfortable he wants Tent City to be, a place where his dogs are fed better than prisoners, and where coffee and cigarettes are unavailable.

Tent City was found by the Arizona courts to be a place where drug dealing, gang activity and calculated indifference by security staff are everyday happenings. Sheriff Joe didn't dispute any of the evidence showing that "all prisoners of Tent City were subjected to a substantial risk of violence," nor was he able to defend his claim to qualified immunity.

As Arizona taxpayers shell out \$635,532 for Sheriff Joe's extreme indifference to life, will fiscally-conservative voters continue their exuberant, law-and-order support for a public official, operating under color of the law, who does so much harm to the community while violating the public's trust?

Compiled from *Prison Legal News*, November 2003. For more about this case, see *Flanders v. Maricopa County*, 54 P.3d 837 (Ariz.App.Div. 1 2002)



Sheriff Joe Arpaio of Maricopa County, AZ, the self-proclaimed "Toughest Sheriff in America", maintains the only female chain gang in the nation. Sheriff Joe requires male inmates to wear pink women's underwear, all inmates to live in a crude tent city in the scorching desert heat, and proudly boasts, "I got meal costs down to 40 cents a day per inmate. It costs \$1.15 a day to feed the department's dogs." Prisoners without funds are forced to use postcards like this one to contact their loved ones.

# Rush to judgment

By G. PATRICK CALLAHAN, PRISONER OF THE DRUG WAR

I was channel surfing recently on the AM radio bands and caught one of the rabid right wing talk show hosts interviewing that paragon of moral virtue, Mr. William Bennett. What drives a blatherer like Bennett to stink up the air with the same tired, old marijuana propaganda, the same old get tough horse manure that has made America the vast prison camp it is today?

I had thought Bennett — a one-time, part-time U.S. Drug Czar — was now passe, since his own addiction was revealed, a craving for gambling which cost him several million dollars. It is difficult to imagine an urge so powerful a man would sink the equivalent of many men's lifetime earnings on cards and dice, a truly mind-boggling proposition. Imagine the virtuous things such vast sums of money could have set in place. The talk show hosts, however, gave their blessing to Bennett — it was, after all, his own money they said, rallying around another naked icon, cloaking him in rationalizations. It is 'do as we say,' not 'as we do' with that crowd, over and over again.

The latest fraud is Rush Limbaugh, who for years over the radio has spewed right wing, hard line rhetoric embracing the virtues of lock and key for any and all malefactors, rhetoric that includes unfounded, endless reminders of the danger of legalizing marijuana. He extols family values (without having a family himself, or real friends, for that matter) and the entire panoply of inflexible, self-righteous dogma, all while being a drug addict hooked on OxyContin, an opiate, the so-called 'hillbilly heroin.'

Limbaugh allegedly is a long time user with a prodigious appetite for the stuff, and ordered his maid into the streets to purchase it for him. For a heavy fellow, once exposed, he moved with remarkable speed to the obligatory treatment center, which in cases that involve the 'rich and famous,' is usually a 'sentencing alternative' because 'icons' have this automatic option, and the money to afford it.

There is so much hypocrisy here it simply cannot be parsed. Limbaugh, whose father is a federal judge, shamelessly began his daily acidulous scouring of anything remotely "liberal" by proclaiming he did so with "half his brain tied behind his back." I always thought he had half a brain, but now we know where the other half really was, and it wasn't tied behind that hefty back.

While pounding his desk espousing the wretched, insensitive policies that have imprisoned tens of thousands of his fellow countrymen, Rush Limbaugh was cynically breaking the law — the drug laws. And yet this was a fantastically successful person despite his alleged addiction. Makes you wonder, doesn't it? An aspect the talk-show pundits have yet to touch upon.

It has been dismally amusing to hear the devotees Rush to his defense, *megadittoheads* to the last. While such impetuosity might be expected of dittoheads everywhere, the truly entertaining moments came when Limbaugh's talk show avatars and imitators — Michael Savage among them — said, "Perhaps now it's time to rethink the war on drugs."

I think it would be a real treat to see Rush among us, among this number and assigned a number. He could use a dose of prison — just a typical dose would suffice, say, 120 months in federal prison. That would teach him (something). He wouldn't be blasting the hard line through the atmosphere after that, and I'll wager Orrin Hatch would never be a guest on his future radio show should the dittoheads welcome him back.



Wed, 12 Feb 2003 - Valencia Source (FL)

Author: Rebecca Van Cour

## Legalizing marijuana: the dividing line

### Students and faculty debate the legalization of narcotics

"Where do we draw the line?" asked Jack Chambliss as he addressed students and faculty expressing his support for the legalization of marijuana.

We are allowed to have abortions, smoke cigarettes, drink alcohol and eat at Burger King all day, every day if we choose, yet we cannot use drugs in the privacy of our own homes.

Chambliss spoke at the forum on legalizing drugs sponsored by the Students for Liberty on Jan. 30, advocating that people should be able to put whatever they want in their bodies as long as what they put in does not harm anyone else.

Christa Watson of Students for Liberty said the club is not for or against the legalization of drugs. "We all have separate opinions," said Watson, "But we do feel that the information should be out for people to make their own decisions."

The group selected the speakers for the forum, including their own advisor, Jack Chambliss.

Deborah Orr of the Center for Drug Free Living said that marijuana cannot be legalized because though the economy would benefit financially from drug tax money and through money saved on convicted drug offenders, the cost to society greatly outweighs the benefits.

"This is not about morals," said Orr. "Once you take the lid off of cocaine, crack, ecstasy, etc., the economy will go up, but increased health and social costs will rise over the savings. Medically, when you legalize drugs, you increase diseases like HIV in society."

John Chase, a retired engineer and an adviser of the November Coalition helping families of drug victims, told students and faculty about two chronic pain patients who were on trial for possession and trafficking of Percocet pills.

In Florida, possession of as few as 13 Percocet pills can incur a sentence of 25 years in prison.

"If they are acquitted," Chase said, "the government will go after their doctors who prescribed the pills, and they will be even more limited in prescribing drugs for pain relief."

Nora Callahan, director of the November Coalition supports legalization because her brother was charged for cocaine possession and put in prison for over twenty years.

While visiting her brother in federal prison, she noticed that most of the people in jail with him for drug possession were minorities and low-income workers. "The rich people who become addicted [to drugs] get checked into the Betty Ford Clinic," said Callahan. "The poor just go to jail."

Lisa Merlin, co-founder of the Lisa Merlin House rehabilitating young girls addicted to drugs and alcohol opposes legalization of marijuana and other drugs. "There is a difference between use and abuse," she said.

When Merlin was 14 years old, she started drinking socially and said that eventually she upgraded to pills and other drugs turning to prostitution to pay for them. "I became totally powerless to these drugs and it ruined my life," said Merlin.

At 29, Merlin went through rehab, and now leads a drug-free life. She said that she is baffled by the support of legalization.

Merlin agreed that what you do behind closed doors is your business, but once you get behind the wheel, it becomes society's business.

"Nobody is out in the streets shooting each other over buying and selling alcohol because it is legal," said Chambliss.

Following the speakers, the forum was opened to comments from students and faculty. Students involved had so many questions, that after the forum had officially ended, many stayed for half an hour later and continued the debate.

"If we can take the luster off the drugs, then the drugs will take care of themselves," said student Loyd Cadwell who felt that if drugs become legal, the fun and danger of these substances will lose popularity.

To reassure people who were worried that drugs being sold in an honest market would tempt more people to use them, Chambliss used an example of members of the forum who chose not to smoke cigarettes.

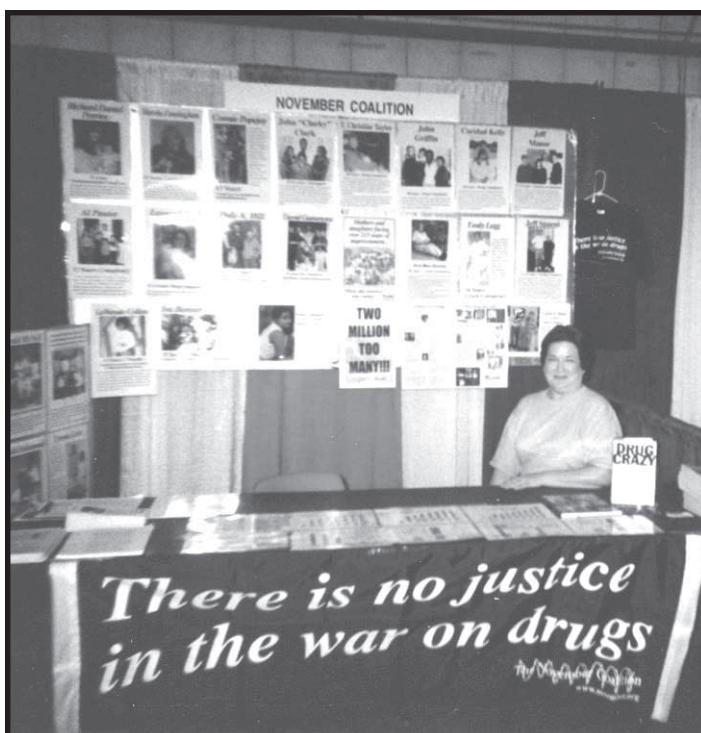
"If a pack of cigarettes went down to five cents tomorrow, how many of you would start smoking?" Chambliss felt his point was made when nobody in the room raised their hands.

Both sides agreed that with rights come responsibilities.

Chase, in answering a question from the floor about religious views on marijuana said "We have a natural right to life, liberty and property. Young people today who like the legalization part don't like the responsibility part. We need to accept both."



Journey for Justice: Valencia Community College panel & debate, Orlando, FL; Thursday, January 30, 2003



## November Coalition at the County Fair!

Phoenix, AZ — Special Report, April 2003

By MARCELLA PERRINE, NOVEMBER COALITION

From April 9<sup>th</sup> to the 12<sup>th</sup> I managed a booth at the Maricopa County Fair in Phoenix, Arizona. I wanted to educate people on the suffering caused by our current drug war policy.

I met many people who already know about the injustice but feel helpless to do anything about it. A lot of people just didn't 'get' the whole booth idea. Some thought I was promoting drugs and their use. They were the ones that did what I called a "first run by" where they might say something like, "You take all the dealers out and cut their heads off! That's how you get rid of drugs."

A little girl looked at my razor wire pins, wondering aloud if she could have one. I asked her if she knew what they were for and she said, "Yes, my dad is in prison." I gave away more POWD pins than I sold. These all went to children. If we think we're not leaving a horrible legacy for our youth, then we are sadly mistaken. Children know all about drug war injustice.

Some of the vendors selling their wares did not like me being there. In fact, one vendor even moved his booth because he couldn't stand looking at the laminates. Another was first friendly until she found out what the booth was about, and yet another ran around on his golf cart telling others his opinion of it all. "Just do like they do in Singapore — cut their heads off. That would stop the war on drugs!" Some folks just habitually resist learning.

Most effective educational materials were the prisoner laminates from "The WALL" section of the November Coalition website. To all of you in prison who have thought of submitting your pictures and stories to November, please do. Making these stories available does have a steady impact and is one of the most effective ways to give you a voice to the electronic web of information.

The Reconsider literature (on drug education in schools) was extremely popular. It seems many teachers here in Arizona know just how corrupt and ineffectual the DARE Program has become. (See [www.reconsider.org](http://www.reconsider.org))

To all who advocate for November or other reform groups, managing this booth at the County Fair was a great way to get the message out. I have no regrets doing this and plan on having two booths next year.

## November Coalition Regional Volunteers

### Alabama

- Jerry C. Lundy Sr., 19465 Ducloux St., Mt.Vernon, AL 36560-4523, 251-829-6072, [jerry@november.org](mailto:jerry@november.org)
- Dorothy Gaines, 6617 Cedarwood Court, Mobile, AL 36695, 251-635-1238, [dorothy@dorothygaines.org](mailto:dorothy@dorothygaines.org)

### Arizona

- Marcella Perrine, 3436 E Longhorn Drive, Gilbert, AZ 85297, 480-279-6440, [marcella@november.org](mailto:marcella@november.org)
- Robin Scions, PO Box 876, Peoria, AZ 95380, 623-205-1138, [robins@november.org](mailto:robins@november.org)

### California

- John Humphrey, PO Box 3063, Venice, CA 90291, 310-314-1626, [johnh@november.org](mailto:johnh@november.org)
- Rachel Morton, 1278 Glenneyre #PMB 206, Laguna Beach, CA 92651, [rachel@november.org](mailto:rachel@november.org)
- Hal Chirpin, 346 Leighton Dr., Ventura, CA 93001, 805-653-1999, [hal@november.org](mailto:hal@november.org)
- Robin Mays, 6438 Friedman Way, Valley Springs, Ca 95252, 209-772-9370, [robin@november.org](mailto:robin@november.org)
- Sharon & Craig North, PO Box 4012, Yankee Hill, CA 95965, 530-534-5121, [sharon@november.org](mailto:sharon@november.org)
- Debra Triplett, PO Box 187, Carmichael, CA 95609, 916-849-3971, [debra@november.org](mailto:debra@november.org)

### Colorado

- Norm Abeyta, 1603 Eagle View Dr., Colorado Springs, CO 80909, 719-632-0746, [norm@november.org](mailto:norm@november.org)
- Sydnie Starkey, 820 21st Street SW, Loveland, CO 80537, 970-669-4920, [sydnie@november.org](mailto:sydnie@november.org)

### Florida

- John Chase, 1620 E. Dorchester Dr., Palm Harbor, FL 34684, 727-787-3085, [johnc@november.org](mailto:johnc@november.org)
- Rita Lucey, Orlando, FL, 407-851-5088, [rita@november.org](mailto:rita@november.org)
- Christine Lynn, Tallahassee, FL, [christine@november.org](mailto:christine@november.org)
- TNC MIAMI MISSION: Ilia Marino, Miami, FL, 305-259-8207, [ilia@november.org](mailto:ilia@november.org)

### Georgia

- Tracie Roe, Savannah, GA, [tracie194@inetgenesis.com](mailto:tracie194@inetgenesis.com)

### Illinois

- Sabina Jones, 6051 S. Eberhart, Chicago, IL 60637, 773-955-7194, [sabinaj@prodigy.net](mailto:sabinaj@prodigy.net)

### Indiana

- Susan Bobby, 207 Elmhurst, Valparaiso, IN 46385, 219-531-2810, [susan@november.org](mailto:susan@november.org)

### Kansas

- Karen Sessel, 4815 SW 20th Terrace, Topeka, KS 66604, 785-271-8770, [karens@november.org](mailto:karens@november.org)

### Maine

- Patty Provost, PO Box 574, Bucksport, ME 04416, 207-469-3575, [pattyp@november.org](mailto:pattyp@november.org)

### Massachusetts

- Kim Hanna, Worcester, MA, [kim@november.org](mailto:kim@november.org)

### Michigan

- Amanda Brazel, Detroit, MI, 586-855-0617, [amanda@november.org](mailto:amanda@november.org)

### Minnesota

- **FEDERAL FORUM:** Mary Gaines, St. Paul, MN 55104, 651-647 9677 (St Paul), 612-752-8057 (South Minneapolis), 612-588-3883 (North Minneapolis), [fedforum01@aol.com](mailto:fedforum01@aol.com)

### Nebraska

- Dorothy Behler, Valley, NE, 402-625-2575, [db91255@hotmail.com](mailto:db91255@hotmail.com)

### Nevada

- Debbie Dedmon, 5221 Tamarac Drive, Las Vegas, NV 89130, 702-658-0940, [dedmon@november.org](mailto:dedmon@november.org)

### New Jersey

- Steve Gotzler, 309 Sip Avenue, Jersey City, NJ 07306, 201-451-2276

### New Mexico

- Deitra Lied, PO Box 1579, Canutillo, TX 79835, 915-204-2844, [deitra@november.org](mailto:deitra@november.org)

### New York

- **TNC-ISIDRO AVILES MEMORIAL CHAPTER:** Teresa Aviles, 2081 Wallace Ave., Bronx, NY 10462, [isidro@november.org](mailto:isidro@november.org)

### North Dakota

- Dawn Bloomquist, 1242 180th Ave, Drayton, ND 58225, [dawn@november.org](mailto:dawn@november.org)

### North Carolina

- Frances Williams, 562 Presbyterian Road, Mooresville, NC 28115, 704-987-9397, [frances@november.org](mailto:frances@november.org)

## Do I deserve to die in prison?

By SHARANDA JONES, PRISONER OF THE DRUG WAR

I'm serving life in prison. I'm also a mother to a lonely little girl. My mom, a paraplegic, raised her family of five in the small, rural town of Terrell, Texas (population: 14, 200). Life was difficult for my mother financially, but she loved us dearly.

In 1997, I owned a restaurant with a friend, a Dallas police officer. I gave up a business in Terrell to focus on the partnership in Dallas. I worked hard, went by the rules, and paid my taxes. I had no idea that my life was about to be turned upside down, that I would be sent to prison.

Daytime turned night when Chuck Norris volunteered to work as a police officer for the Kaufman County Sheriff Department. While Chuck Norris was 'acting' as a police officer, someone decided a drug sweep might cap production off. The blacks in Kaufman County were targeted back in 1997, and Chuck Norris kicked in the doors of the citizens of my hometown. He handcuffed a few personally himself, too.

During the drug sweep, several people were arrested for trafficking in drugs. As a result, people I'd known for years were carried off to jail. The people arrested were threatened with life sentences if they didn't cooperate. It was an *informant's festival* of who could tell on whom. People were desperate to save themselves from mandated, harsh prison sentences.

One couple I'd known for many years was arrested along with so many others. Some did have small quantities of illegal drugs, others guns, and a few had cash squirreled away. Arresting agents told them they could 'help themselves' if they implicated others in exchange for reduced sentences.

I had nothing to do with one particular couple's drug involvement. But their 'cooperation' falsely implicated more than one unsuspecting, uninvolved individual. The couple called my home after their arrest, pleading for sympathy and needing financial help.

The government seized their properties and assets, on their way to federal prison, and the children left behind would be

penniless. They asked me to help them find some people that would buy drugs, so they could afford legal and family help.

During that call, I explained I would try to help them, but I did not know anyone drug involved. That was a monitored phone call. I had brought myself into a broad 'drug conspiracy,' and the dark skinned, witch-hunt raged through our community. Law enforcement agents began to question my family, searching for any tie that might link me to illicit drug trafficking.

My business partner and friend, the Dallas police officer, was implicated in illegal drug activity, too. It was alleged that she and I had been identified in Dallas and Houston as drug conspirators.

The police officer filed a civil suit against the government for false accusation/defamation of character, wasn't charged, and remains free today. She has been officially instructed to have no contact with me.

In the end, I was indicted, along with my mother, sister, brother, and several others for seven counts of drug distribution. At trial, not one shred of physical evidence connected me to drug trafficking with four codefendants. The couple who placed the monitored call testified I was not involved in their drug activities.

The jury found me guilty of one count of conspiracy. Later, I was sentenced to life in prison. I was found 'not guilty' on six other counts.

Earlier, the government told my former attorney that I shouldn't concern myself with the threat of a life sentence. Prosecutors said if I implicated my friend, the police officer, in drug activity, they would 'help me out' by reducing my sentence. I could not do that.

I struggle with the absurdity of my life sentence, and the loss of my daughter, but hope each day that, against all odds, somehow justice will prevail. I really do not deserve to die in prison.

**The November Coalition would like to express our sincere thanks to the following individuals and organizations who helped make the 2003 Journey for Justice a resounding success.**

- Special thanks to Richard Lake, Matt Elrod, and Debra Harper of DrugSense/MAPInc for web hosting and technical support
- Kevin Zeese and Doug McVay of Common Sense for Drug Policy
- John Chase, November Coalition Regional Leader and Southeastern Journey coordinator
- John Masterson and Montana Drug Policy
- Larry Schulenburg, Council Bluffs, IA
- Sharon Webster and Mel Beckman, Omaha, NE
- Karen Sessel, Topeka, KS
- Norene Chase and the Unitarian Universalist Church of Tallahassee, FL
- Dee Tait and the Unitarian Universalist Church of Valdosta, GA
- Mike Tiner and UCF NORML (Orlando, FL)
- Christa Watson & Prof. Jack Chambliss, Valencia Community College and Students for Liberty (Orlando, FL)
- Jodi James and Florida Cannabis Action Network (Melbourne, FL)
- Ilia Marino and November Coalition Miami Mission
- Steve Jens-Rochow and the Unitarian Universalist Church of Ft. Lauderdale, FL
- Frank Kopczynski and Criminal Justice Forum Radio, WTAN-AM 1340, Tampa, FL
- Rev. Anne-Marie Alderman and the Unitarian Universalist Church of Jacksonville, FL
- Sky Edeawo, Lisa Lane and the Coalition of Compassionate Drug Policy Reform (Savannah, GA)
- Sharon Fratepietro, Wyndi Anderson and South Carolina Advocates for Pregnant Women (Charleston, SC)
- Carol Mosely and the Florida Coalition For Peace & Justice
- Erdman (Pal) Palmore and the Unitarian Universalist Church of Hillsborough, NC
- Elaine Lynch; Charlotte, NC and Angie Broadnax; Durham, NC
- Pepi Acebo and the Unitarian Universalist Church of Black Mountain, NC
- Rev. Susan Gardner and the 1st United Methodist Church of Sparta, TN
- Loretta Nall and the Alabama Marijuana Party (Montgomery, AL)
- Dorothy Gaines, Mobile, AL
- Rachel Herzing and Critical Resistance: Against the Prison-Industrial Complex(New Orleans, LA)
- G. Alan Robison, Karen Heikkala, Cheryl Nolin and the Drug Policy Forum of Texas
- Houston NORML and Emerson Unitarian Church of Houston, TX
- Ann del Llano and the Texas ACLU
- Bill Maxell and the First Unitarian Church of Dallas
- Marcella Perrine, Robin Scions, and Roma Thomas, Phoenix, AZ
- Ernest Hancock and the Arizona Breakfast Club
- The Break the Chains Collective, Eugene, OR
- Pastor LeRoy Haynes and Jim Dancing Trout, Portland, OR
- Vivian William McPeak, Dominic Holden and Seattle HempFest
- Amanda Brazel, Debra Wright, Students for Sensible Drug Policy (Detroit) and Drug Policy Forum of MI
- and all the friends and allies who attended our Journey for Justice events.



### Chuck Norris, Real Life "Texas Ranger"

Maybe they can get the attorneys on *Law & Order* to defend them.

For 67 people collared on crack-cocaine distribution charges in 1997 in Terrell, Texas, getting arrested must have been as surreal as it was disturbing. That's because karate champ-actor Chuck Norris — star of such beat-the-beejesus out of felons and foreigners movie classics as *Invasion USA*, *Silent Rage*, *Forced Vengeance* and the *Missing in Action* saga — was there to put on the cuffs.

Norris, who films his six-season-old CBS series, *Walker: Texas Ranger* in nearby Dallas, had been moonlighting as a reserve cop for the Terrell PD for a couple of years. Accordingly, he did his part for the department's narcotics sting that culminated with a raid on three so-called, 'drug rings.'

One understandably confused suspect who was overcome by the bizarre nature of having a minor celebrity arrest him asked, "Is this a movie?" Terrell police didn't say whether the 47-year-old Norris got to kick the suspect in the face. In any event, being available for Walker's Saturday evening time slot shouldn't be a problem for him now.

Norris, a former U.S. Air Force karate champion, also made news earlier in 1997 when he sent a court order to some down-on-his-luck actor, trying to make him stop impersonating his Walker character in a Wisconsin car-dealership TV commercial. The actor responded by sticking up a billboard in downtown Dallas that read, "Thanks to Chuck Norris, I am an unemployed commercial actor."

At least it's better than the one that reads, "Thanks to Chuck Norris I'm a convicted drug felon who watches *Walker: Texas Ranger* every Saturday night in the prison rec room."

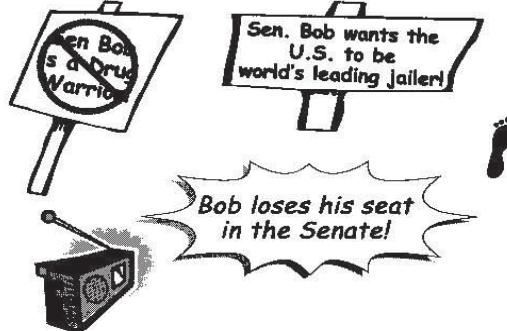
From *Eonline News* (1997) by Daniel Frankel

## Ignorance happens when people aren't told the truth.

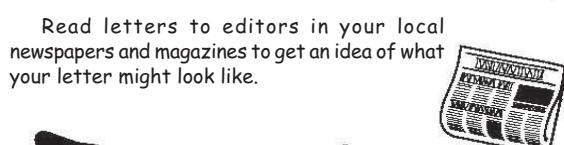


But when people hear the facts, they learn and attitudes change. Factual letter writing about the horrible suffering inflicted by the drug war is a powerful tool.

Letters to editors are published FREE in your local newspapers and magazines, reaching thousands of readers. You can help stamp out ignorance with letter writing and help shape public opinion, which politicians shouldn't ignore.



Letters to Editors are short, simple and are no place to rant or wander. So step along and follow these simple steps to letter writing:



Watch for articles and letters that address these issues:  
DRUG ABUSE (If addiction is a medical problem, why are police, and not doctors, assigned to address it?)

PRIISON OVERCROWDING (The federal prison system operated at 31% over capacity in 2001. Granting early release to nonviolent drug prisoners would solve this crisis and save taxpayers money.)

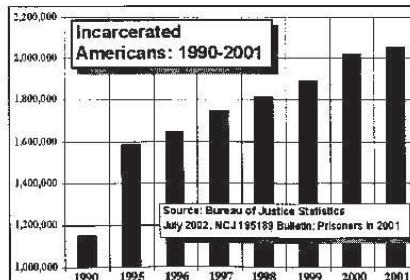
DRUG RELATED CRIME (Drug prohibition creates the underground economy that causes crime.)

Plan your letter around what you read. Thank the newspaper for focusing on the benefits of drug treatment over prison, for instance. Take issue with slanted news items: "It's ironic that your June 2 front page article states 'Economy brightens with new prison' when drug enforcement costs society 15 times as much as drug treatment for the same economic benefit."

Letters don't have to be in response to news items. On MOTHER'S DAY remind readers that thousands of mothers are celebrating the holiday behind bars, separated from their children who are growing up without them. Add facts: "The incarceration rate of women in U.S. prisons is 10 times that of Western European countries."

On VETERAN'S DAY remind readers that thousands of veterans who served our country languish in prison because of this war against our own people.

At CHRISTMAS time remind your fellow citizens that Jesus forgave people and spoke compassionately of those in prison.



- Speak positively. NOT: "Drug users are not bad people, as Ms. Jones suggests." RATHER: "Many who are in prison for drug use were responsible, productive citizens."

- Don't assume your readers know the issues. NOT: "The drug war is racist." RATHER: "People of color comprise almost 80% of state drug war prisoners, but only 25% of the nation's population."

- Be inclusive. NOT: "Don't always believe what you read." RATHER: "We can't always depend on balanced news coverage when it comes to the drug war."

- Use imagery. NOT: "We can't afford any more drug war orphans." RATHER: "Two and a half million children are growing up without mothers and fathers, mostly due to drug war incarceration."

- Use positive suggestions. NOT: "Stop putting people in jail." RATHER: "Prison has proven to be the least effective deterrent to drug use, abuse and addiction."

- Avoid personal grudges. NOT: "That stupid cop that put my brother in jail." RATHER: "Many in law enforcement see the futility of drug interdiction and would rather spend their time protecting citizens from violent criminals."

- Personalize your letter. NOT: "People in prison lose hope." RATHER: "Have you ever talked to someone who has lost all hope and reason to live? Well, I have."

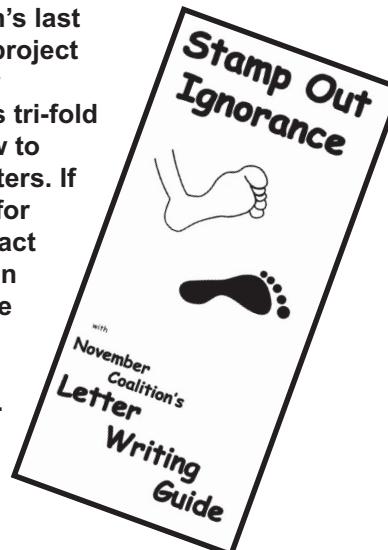
Form TNC Broadside4 7/1/03

## 'Pot' as metaphor at High Times magazine

John Buffalo Mailer, son of renowned author Norman Mailer, has taken over the executive editor position at *High Times Magazine* and promises a complete makeover to the 30-year-old periodical. Long-time activist Richard Stratton has also joined the staff as publisher and editor in chief.

According to the *New York Times* (11/16/03) Mailer stated, "With the new *High Times* we're using 'pot' as a metaphor. So it's not a magazine about pot; it's a magazine about our civil liberties, and our tag line is 'Celebrating Freedom.'

Mark Harrison's last completed project for the November Coalition was this tri-fold broadside on how to write effective letters. If you want copies for distribution, contact our office. You can also download the complete broadside at [www.november.org](http://www.november.org).



## Rohm family files suit in wrongful death of their Rainbow Farm son

The South Bend Tribune of Indiana reported on December 3 that the family of Rolland "Rollie" Rohm has filed a civil lawsuit in U.S. District Court in Detroit, alleging that Rohm was wrongfully killed during a police standoff at the Rainbow Farm Campground during Labor Day weekend 2001 — and that investigators conspired to cover it up.

"This was murder, pure and simple," Rohm's stepfather, John Livermore, said. "It was a hate crime."

Rohm's death came at the end of a five-day police standoff at the Campground which started when Rohm and his partner, 46-year-old Grover "Tom" Crosslin, barricaded themselves in a farmhouse on their campground property after repeated threats and intimidation from state and federal gunmen.

Livermore said he and his family are looking for something besides money in the case: They want answers. Answers about inconsistencies they believe are in the published police reports about the killing. Answers about disturbing discoveries they say they have made, such as the slain man's testicles disappearing some time during the police investigations.

## Excerpts from an article co-written by Sen. Paul Simon and Dave Kopel in 1996 for the National Law Journal:

"Harsh laws and severe punishments, observed Confucius, are a sign that something is wrong with the state. But you don't need to be a brilliant philosopher to recognize that America's prisons are in a state of crisis."

"Federal mandatory minimums have made a bad situation worse. In large part because the rigid minimums make no distinction among the circumstances of cases, today's sentences for non-violent crimes lack any semblance of balance. If a man helps unload a boat of hashish just once to pay for his wife's cancer treatments (an actual case), he is subject to the same minimum sentence as the mastermind of the whole scheme."

"As a prime example of the irrationality of mandatory minimums, we should consider the sentencing disparity for users of different types of cocaine. Under the drug laws, five grams of crack cocaine draws the same mandatory minimum five-year sentence as 500 grams of powder cocaine. No scientific or crime-policy reason justifies the enormous 100-to-1 ratio. The gaping difference is particularly troubling because it has racially charged implications: Eighty-five percent of federal crack prisoners are African-American, while powder cocaine offenders are more likely to be white or Hispanic."

"The end result is that we have a higher percentage of people in prisons than any other nation on earth . . ."

"The reason that we have highly-paid, experienced federal judges is to judge. No sensible judge would send a young person to prison for five years without parole for a first offense involving possession of a small quantity of drugs. Judges can make the distinction between a person who makes a solitary mistake, and a person who directs a major criminal enterprise. Yet, because of the congressionally imposed mandatory minimums, judges are prevented from taking the facts of a case into account during sentencing."

## The November Coalition

### How to communicate with us

• We receive lots of mail. Rest assured that we read every one of them, but we simply don't have the time or staff to actually respond to more than a few.

• Legal Cases: We cannot offer you legal representation or advice. Please do not send us your legal work unless specifically requested.

• Prisoner Profiles (The WALL): Please continue to submit your stories, but if at all possible, send us a picture along with your story, preferably of a prison visit with your loved ones. Stories should be concise, factual, and include personal background, such as age, family status etc. Note: we receive many submissions for the WALL, and have a significant backlog of stories to lay up, so forgive us. It may be a year before you see your loved one's story on our web site. If you would like to volunteer to process WALL submissions for us, please contact our office.

• Articles for Razor Wire & Internet: Editorials should be no more than 800 words; articles no more than 1,200 words. Submitted items should be typed & double spaced, or neatly printed by hand if you don't have access to a typewriter. Please limit the use of bold, italics, underline, or other special formatting.

• Artwork: We need your cartoons and sketches, please! Let your creativity and imagination run wild.

• Donations: We will gladly accept postage stamps from prisoners and others, as well as monetary donations.



1928 — 2003

### Friend of the November Coalition Paul Simon passes away

Former Illinois senator Paul Simon, 75, died December 8th from complications after heart surgery. He had undergone heart bypass and valve surgery the day before at St. John's Prairie Heart Institute in Springfield, Illinois.

# The November Coalition

## Who Is The November Coalition?

We are a growing body of citizens whose lives have been gravely affected by our government's present drug policy. We are prisoners, parents of those incarcerated, wives, sisters, brothers, children, aunts, uncles and cousins. Some of us are loving friends and concerned citizens, each of us concerned that drug war casualties are rising in absolutely horrific proportions.

The November Coalition is a non-profit, grassroots organization with a mission to educate the public about the destructive increase in prison population in the United States due to our current drug laws. We alert fellow citizens, particularly those who are complacent or naive, about the present and impending dangers of an overly powerful federal authority acting far beyond its constitutional constraints. The drug war is an assault and steady erosion of our civil rights and freedoms by federal and state governments.

We are convinced that the war on drugs and drug prohibition do nothing but stimulate an ever more profitable underground economy. The intent of any law should create a safer country and safer world, not one simply less free.

[www.november.org](http://www.november.org)

## Where the Democratic Candidates stand on drug policy

COMPILED FROM THE DRUG WAR CHRONICLE — [WWW.STOPTHEDRUGWAR.ORG](http://WWW.STOPTHEDRUGWAR.ORG)

**North Carolina Sen. John Edwards** ([www.johnedwards2004.com](http://www.johnedwards2004.com)) includes "fighting crime" as part of his agenda and record, but makes no direct mention of drugs or drug policy.

**Rep. Richard Gephardt** ([www.dickgephardt2004.com](http://www.dickgephardt2004.com)) does not list crime or drugs among his key issues, but has pledged to keep up a strong defense against "manifold new dangers from global terror, [from] the recklessness of rogue dictators ... to international crime and drug-running that tips at the very fabric of freedom."

**Massachusetts Sen. John Kerry** ([www.johnkerry.com](http://www.johnkerry.com)) a former prosecutor who favors "tough laws" and "an early advocate of laws that crack down on international drug dealers and money laundering," and "We are not losing the war on drugs — we have yet to fight a war!"

**Former Cleveland mayor and US Rep. Dennis Kucinich** ([www.kucinich.us](http://www.kucinich.us)) is the boldest critique of the drug war orthodoxy ever heard in presidential campaign circles. According to Kucinich:

"A safe, free and just America is undermined, not bolstered, by the costly and ineffective War on Drugs. While well-intended, this misguided policy — which emphasizes criminalization over treatment — has led to increased violent crime, misdirected resources of law enforcement and restricted Constitutional liberties."

**Connecticut Sen. Joe Lieberman** ([www.joe2004.com](http://www.joe2004.com)) does not list drug policy or crime among his issues of concern, has been a strong, consistent supporter of the US military intervention in Colombia.

**Former Illinois Sen. Carol Moseley-Braun**'s web site ([www.carolforpresident.com](http://www.carolforpresident.com)) contains nothing about her positions on drug policy or crime issues. Moseley-Braun did write to a constituent in 1994 that she supported decriminalizing marijuana and wrote in Parade magazine in 1996 she suggested "decriminalizing all but wholesale distribution" of all drugs. But she never acted on those words.

Autumn 2003  
Winter 2004

Vol. 7 No. 2  
**Working to end drug war injustice!**



PRSR STD  
NONPROFIT  
U.S. POSTAGE PAID  
SPOKANE, WA  
PERMIT NO. 91

The November Coalition  
795 South Cedar  
Colville, WA 99114  
(509) 684-1550